

LOUISIANA STATE BOARD OF PRIVATE SECURITY EXAMINERS

Held on Thursday, September 6, 2018

QUARTERLY BOARD MEETING

Louisiana State Board of Private Security Examiners

15703 Old Hammond Highway

Baton Rouge, Louisiana

REPORTED BY: KELLY S. PERRIN, C.C.R.

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1 APPEARANCES :
2 MEMBERS OF THE COMMISSION,
3 CHAIRWOMAN MARIAN H. PIERRE
4 VICE CHAIRWOMAN MARIA LANDRY
5 RITCHIE RIVERS
6 DURELL PELLEGRIN
7 MARK WILLIAMS
8 EDWARD ROBINSON, SR.
9 WILBERT SANDERS, JR.
10 MISTY FINCHUM
11
12 WENDY ALDRIDGE, COMPLIANCE INSPECTOR 3
13 FABIAN P. BLACHE, III, EXECUTIVE DIRECTOR
14 RONALD CROUCH, ATTORNEY
15 JOSEPH LONG, ATTORNEY FOR NORTH ATLANTIC
16 TOBY TATUM, LAW CLERK FOR MR. LONG
17 JABARI EDWARDS, OWNER & PRESIDENT, NORTH ATLANTIC
18 CARLI MATIER, CASE AGENT, NORTH ATLANTIC
19 HEARING OFFICER, JENNIFER MURRAY
20
21
22
23 REPORTED BY: KELLY S. PERRIN, CCR
24
25

1 QUARTERLY BOARD MEETING

2 P R O C E E D I N G S

3 CHAIRWOMAN PIERRE:

4 Good morning. The Board of Louisiana
5 Private Security Examiners is now in session.
6 We'll start by Stephanie calling the roll.

7 MS. ALDRIDGE:

8 I'll call the roll.

9 Misty Finchum?

10 MS. FINCHUM:

11 Present.

12 MS. ALDRIDGE:

13 Durell Pellegrin?

14 MR. PELLEGRIN:

15 Here.

16 MS. ALDRIDGE:

17 Mark Williams?

18 MR. WILLIAMS:

19 Here.

20 MS. ALDRIDGE:

21 Edward Robinson?

22 (No response.)

23 MS. ALDRIDGE:

24 Marian Pierre?

25 CHAIRWOMAN PIERRE:

1 Here.

2 MS. ALDRIDGE:

3 Maria Landry?

4 MS. LANDRY:

5 Here.

6 MS. ALDRIDGE:

7 Wilbert Sanders?

8 MR. SANDERS:

9 Here.

10 MS. ALDRIDGE:

11 And Ritchie Rivers?

12 MR. RIVERS:

13 Here.

14 MS. ALDRIDGE:

15 Okay. We'll have the Pledge of
16 Allegiance by Fabian Blache.

17 MR. BLACHE:

18 Yes, if everyone would please stand?

19 (PLEDGE OF ALLEGIANCE)

20 CHAIRWOMAN PIERRE:

21 We're going to have a call for the
22 reading of the previous minutes.

23 MS. LANDRY:

24 I'd like to make a motion to waive the
25 reading of the minutes until everybody has

1 already read them.

2 CHAIRWOMAN PIERRE:

3 Second?

4 MS. FINCHUM:

5 Second.

6 CHAIRWOMAN PIERRE:

7 Waiving of the reading of the minutes,
8 it's been moved and seconded.

9 MR. CROUCH:

10 One moment, please? The documents you
11 have in front of you, the folder, don't look
12 at any of that yet. That may be evidence in
13 the upcoming trial. And until it's properly
14 admitted, please don't read it.

15 CHAIRWOMAN PIERRE:

16 Okay.

17 MR. CROUCH:

18 Thanks.

19 CHAIRWOMAN PIERRE:

20 Ron, are you going to collect all of the
21 affidavits, all of the services?

22 MR. CROUCH:

23 Yes, but we have an executive session
24 that we're going to discuss that.

25 CHAIRWOMAN PIERRE:

1 Okay.

2 All right. It's been moved and seconded
3 that we waive the --

4 MR. PELLEGRIN:

5 Second.

6 CHAIRWOMAN PIERRE:

7 It's been seconded.

8 Okay. So now, we're up to Hearings,
9 Appeal on Company License Denial, Delbert
10 Hyland.

11 MR. CROUCH:

12 Mr. Hyland?

13 CHAIRWOMAN PIERRE:

14 Is Mr. Hyland here?

15 MR. CROUCH:

16 He is here.

17 MR. HYLAND:

18 Yes, ma'am.

19 MR. CROUCH:

20 Okay.

21 CHAIRWOMAN PIERRE:

22 Mr. Hyland, why don't you go over there
23 and state your name.

24 MR. CROUCH:

25 Ms. Pierre, Fabian and Mr. Ryland (sic)

1 will testify. I would ask that they be sworn
2 in, both of them be sworn at the same time.
3 Mr. Fabian can stay because he's the agency
4 representative.

5 CHAIRWOMAN PIERRE:

6 Okay.

7 MR. CROUCH:

8 Can you swear them in, please?

9 HEARING OFFICER MURRAY:

10 Yes.

11 MR. CROUCH:

12 Raise your right hand, please.

13 (WITNESSES COMPLY WITH REQUEST.)

14 HEARING OFFICER MURRAY:

15 Raise your right hand. Do you both swear
16 to tell the truth and nothing but the truth to
17 the best of your ability before this tribunal?

18 MR. BLACHE:

19 Yes, I do.

20 MR. HYLAND:

21 I do.

22 MR. CROUCH:

23 Madam Chairman, I call Fabian Blache to
24 the stand.

25 MR. BLACHE:

1 You want me to go there or can I stay
2 here?

3 (MR. ROBINSON ENTERS THE PROCEEDINGS.)

4 CHAIRWOMAN PIERRE:

5 Let the record indicate that Mr. Robinson
6 is present.

7 MR. CROUCH:

8 As long as the -- is the microphone
9 picking you up here?

10 MR. BLACHE:

11 Yes.

12 MR. CROUCH:

13 Okay.

14 MR. BLACHE:

15 She can pick me up here.

16 MR. CROUCH:

17 Okay.

18 MR. BLACHE:

19 I'll stay here.

20 CHAIRWOMAN PIERRE:

21 You're going to stay there, Mr. Fabian?

22 MR. BLACHE:

23 Yes.

24 DIRECT EXAMINATION OF FABIAN BLACHE, III

25

1 BY MR. CROUCH:

2 Q Mr. Blache, please, for the formalities
3 state your name and business address, please.

4 A Fabian Blache, 15703 Old Hammond Highway,
5 Baton Rouge.

6 Q How are you employed?

7 A As the Executive Director and Chief
8 Administrative Officer of the State Board of
9 Private Security Examiners.

10 Q And how long have you been in that
11 position?

12 A Since March of 2016.

13 Q Briefly, tell the Board what your duties
14 are.

15 A My duties are to serve as the Chief
16 Administrator of the State Board of Private
17 Security Examiners which regulates the private
18 security industry across unarmed, armed, and
19 armored car companies in the State of Louisiana as
20 part of DPSLSP.

21 Q In that capacity, do you review
22 applications for approval or denial?

23 A Yes.

24 Q And you and your staff, are y'all
25 responsible for the vetting of those applications?

1 A Yes, we are.

2 Q I want to show you a document that I've
3 marked as Board #4. Do you recognize that
4 document?

5 A I do.

6 Q Tell me what that is.

7 A This is a letter dated March 19th of 2018
8 in which we advised Worldwide Security and Mr.
9 Delbert Hyland that their application for a company
10 license was denied by the Board.

11 Q Can you tell the Board why it was denied?

12 A It was denied because Mr. Hyland has been
13 restricted and denied and/or revoked in another
14 state, which is one of the indicators in 3289. It
15 says the refusal of a licensing authority in
16 another state or the revocation of suspension or
17 any other restriction imposed on a license
18 permanent certificate issued by such licensing
19 authority. So based upon the actions of the State
20 of Florida's Board of PI and Private Security, we
21 decided to deny the license application.

22 MR. CROUCH:

23 Madam Chairman, I would ask that this be
24 offered and introduced into evidence.

25 Any objections, Mr. Ryland (sic)?

1 HEARING OFFICER MURRAY:

2 Any objection?

3 MR. HYLAND:

4 No.

5 HEARING OFFICER MURRAY:

6 It's admitted.

7 BY MR. CROUCH:

8 Q I'm going to show you a document that's
9 marked Board #2.

10 A Okay.

11 Q Do you recognize that document?

12 A Yes. This is a State of Florida,
13 Department of Agriculture and Consumer Services
14 Final Order issued to Mr. Delbert Hyland as
15 President of a company indicated as CSI Experts,
16 LLC. And in this document on the second page,
17 there's a reference to some licenses that were
18 either in process or issued indicating that they
19 were revoked and it also indicates a cease and
20 desist that was ordered to Mr. Hyland.

21 Q What's the date on that document?

22 A This document is dated -- wait one
23 second -- February 16th of 2006.

24 Q 2006?

25 A Uh-huh.

1 MR. CROUCH:

2 Madam Chairman, I offer and introduce
3 into evidence, if there's no objection? Mr.
4 Hyland, do you have any objection?

5 HEARING OFFICER MURRAY:

6 Any objection?

7 MR. HYLAND:

8 No, Madam Chairman.

9 BY MR. CROUCH:

10 Q I'm going to show you a document that
11 I've marked as Board #1. Tell me if you recognize
12 that document.

13 A Yes. This is a letter from December 4th
14 of 2013 regarding Mr. Hyland and CSI Experts, and
15 it indicates that on February 15th of 2006, he was
16 issued a Final Order imposing an administrative
17 fine in the amount of \$21,700, and that he had not
18 paid the fine as of December 4th of 2013.

19 MR. CROUCH:

20 Madam Chairman, I'll offer and introduce
21 into evidence, if Mr. Hyland has no objection?

22 HEARING OFFICER MURRAY:

23 Any objection?

24 MR. HYLAND:

25 No, Madam Chairman.

1 BY MR. CROUCH:

2 Q I'm going to show you a document marked
3 Board #3. Tell me if you recognize that document.

4 A This is a letter from the Florida
5 Department of Agriculture dated October 27th of
6 2015 issued to Mr. Delbert Hyland indicating that
7 his application for a license had been denied by
8 the State of Florida.

9 MR. CROUCH:

10 Madam Chairman, I would offer it and
11 introduce into evidence. Any objection,
12 Mr. Hyland?

13 MR. HYLAND:

14 No objection.

15 BY MR. CROUCH:

16 Q And I'm going to show you a document
17 marked Board #5. I would ask the Board to take
18 judicial notice of the statute that forms the basis
19 and the authority for the denial of the license.
20 It is R.S. 37:3289. I'll just ask them to take
21 judicial notice of it.

22 A Okay.

23 Q Mr. Blache, did those documents form the
24 basis for your denial of the license?

25 A Yes.

1 Q Did you have any conversations or
2 anything other than these documents that you used
3 to form your opinion and your decision to deny the
4 license?

5 A No, it was based solely on that.

6 MR. CROUCH:

7 The State rest except for rebuttal.

8 CHAIRWOMAN PIERRE:

9 Mr. Crouch, may I ask that those
10 documents be passed among the Board members
11 for review?

12 MR. CROUCH:

13 They will be -- yes, they will be given
14 to you at the end of the hearing so you guys
15 can go through them.

16 CHAIRWOMAN PIERRE:

17 Okay.

18 MR. CROUCH:

19 Okay. I don't want to give you these in
20 advance until you've heard -- until they're
21 properly admitted into evidence.

22 CHAIRWOMAN PIERRE:

23 Okay. Okay. Mr. Hyland, did you have
24 a -- do you want to make some comments?

25 MR. HYLAND:

1 Madam Chairman --

2 CHAIRWOMAN PIERRE:

3 You have a statement?

4 MR. HYLAND:

5 Madam Chairman, Members of the Board,
6 there's some extenuating circumstances in this
7 case, the documents that were read before you
8 stemming from the 2006 case. At that time, I
9 was here responding to Hurricane Katrina with
10 the Department of Homeland Security partnered
11 with Blackwater Security Company. During this
12 time, this case, without my knowledge, was
13 conducted by the Louisiana Division of
14 Agriculture.

15 Upon my completion of my contract here in
16 New Orleans several years later, returning to
17 Florida to find out that this had been wrongly
18 done against me, I was at that time denied any
19 due process to appeal. I still to this day
20 have all the documentation and evidence to
21 prove that that case is false and malicious.
22 But due to the statute of limitations, there's
23 no way for me to have that revisited.

24 Saying that, since that time, I've been
25 in negotiation with the Division of

1 Agriculture in Florida to come to some sort of
2 resolution and resolve this so that I could
3 continue operations in Florida. At this
4 point, we are getting close to coming to a
5 conclusion with that, but it's a matter of
6 getting all the -- all the details and things
7 worked out.

8 That being said, I did continue to work
9 here in Louisiana due to this action when I
10 returned home, came back, took another job for
11 a large company here in Louisiana where I've
12 continued to work until just recently due to
13 me making an attempt to start my own company
14 here. And I just feel that the Board needs to
15 know, you know, that I can understand this
16 action doesn't look good and I am making every
17 attempt to get it resolved, but I don't feel
18 after 13, 15 years of dedication to Louisiana
19 and keeping it safe and its citizens that I
20 should be denied the opportunity to continue
21 doing so.

22 CHAIRWOMAN PIERRE:

23 Is that your statement, Mr. Hyland?

24 MR. HYLAND:

25 Yes, ma'am.

1 CHAIRWOMAN PIERRE:

2 Okay.

3 MR. HYLAND:

4 Thank you, Madam Chairman.

5 CHAIRWOMAN PIERRE:

6 Okay. I have a question.

7 MR. HYLAND:

8 Yes, ma'am?

9 CHAIRWOMAN PIERRE:

10 Did you ever pay the fine?

11 MR. HYLAND:

12 No, ma'am, not yet. I have --

13 CHAIRWOMAN PIERRE:

14 So you've been working in Louisiana?

15 MR. HYLAND:

16 Yes, ma'am.

17 CHAIRWOMAN PIERRE:

18 But you have not paid the fine?

19 MR. HYLAND:

20 Yes, ma'am.

21 CHAIRWOMAN PIERRE:

22 Any other Board Members?

23 MR. HYLAND:

24 I have made offers up to \$15,000 was the
25 last offer that I made, and that was rejected.

1 They wanted the complete 21,000. And that's
2 what I'm in the process of trying to obtain
3 the additional.

4 CHAIRWOMAN PIERRE:

5 Well, after 13 years, I would think that,
6 yes, they would want that.

7 MR. HYLAND:

8 Yes, ma'am.

9 CHAIRWOMAN PIERRE:

10 Any questions by any other Board Members?

11 MS. LANDRY:

12 Yes. Is the fine due to the State of
13 Louisiana or to the State of Florida?

14 MR. HYLAND:

15 State of Florida.

16 MS. LANDRY:

17 Okay.

18 MR. HYLAND:

19 Yes, ma'am. It was for -- while I was
20 gone, while I was here in Louisiana, they
21 allege that I was teaching classes in Florida,
22 which clearly is impossible. And I wasn't,
23 obviously, but that's where the allegations
24 arose from.

25 MS. LANDRY:

1 Okay. So you're not licensed in either
2 Florida right now or in Louisiana?

3 MR. HYLAND:

4 As an agency?

5 MS. LANDRY:

6 Right.

7 MR. HYLAND:

8 No, ma'am.

9 MS. LANDRY:

10 Okay.

11 CHAIRWOMAN PIERRE:

12 Thank you. Any other questions?

13 MR. SANDERS:

14 What year did you attempt to apply for a
15 license here in Louisiana?

16 MR. HYLAND:

17 The agency license, two years ago.

18 MR. SANDERS:

19 Two years ago?

20 MR. HYLAND:

21 Yes, sir. And it's been pending 'til
22 this point here today.

23 MR. SANDERS:

24 And that was your first attempt, huh?

25 MR. HYLAND:

1 Yes, sir.

2 MR. SANDERS:

3 That's all.

4 MR. HYLAND:

5 I have held security license here in
6 Louisiana since 2005 as well as New Orleans
7 Special Officers Commission for several years
8 of that as well. And I've had no complaints
9 or any issues in Louisiana since, like I said,
10 several days before Katrina when I got here.

11 CHAIRWOMAN PIERRE:

12 Okay.

13 MR. PELLEGRIN:

14 Was anyone in Florida acting on behalf of
15 your company and teaching classes while you
16 were here? Did you have a business operation
17 in Florida?

18 MR. HYLAND:

19 No, your -- no, Commissioner. What
20 happened is my instructor/semi-partner of my
21 company was allowed to copy my company and
22 open its own school in order to continue funds
23 coming to the Division of Agriculture in
24 Florida, which is how they make their money.
25 In Florida, you have to take the courses

1 first, pay your fees to the State, and then
2 you can start temporarily working.

3 But, no, no classes, no business was
4 conducted from the time I left Florida until
5 the time I returned.

6 CHAIRWOMAN PIERRE:

7 Any other questions? Does any Board
8 member have any other questions?

9 Thank you, Mr. Hyland.

10 MR. CROUCH:

11 Madam Chair, could we have a brief recess
12 while I make copies of this for you guys to
13 review before we vote?

14 CHAIRWOMAN PIERRE:

15 Make a motion for a brief recess.

16 MR. CROUCH:

17 Thank you, Madam Chairman.

18 MR. HYLAND:

19 Thank you, Madam Chairman.

20 (A BRIEF RECESS WAS TAKEN IN THE
21 PROCEEDINGS.)

22 CHAIRWOMAN PIERRE:

23 Okay. Let's go back on the record. I
24 have one question. Go ahead.

25 MS. LANDRY:

1 Yeah. Let me ask this, on the first
2 company that was mentioned, was that Worldwide
3 Security?

4 MR. BLACHE:

5 Yes.

6 MS. LANDRY:

7 And then, so what is the relevance
8 between Worldwide and CSI?

9 MR. HYLAND:

10 CSI was my Florida company.

11 MS. LANDRY:

12 And then Worldwide is the company you
13 want to have --

14 MR. HYLAND:

15 For Louisiana, yes, ma'am.

16 MS. LANDRY:

17 -- in Louisiana?

18 MR. HYLAND:

19 Yes, ma'am.

20 MS. LANDRY:

21 But CSI no longer exists either; right?

22 MR. HYLAND:

23 No, ma'am.

24 MS. LANDRY:

25 When was the last time you did business

1 as CSI?

2 MR. HYLAND:

3 I believe 2003.

4 MS. LANDRY:

5 Okay.

6 MR. CROUCH:

7 We're off the record?

8 CHAIRWOMAN PIERRE:

9 We're going back off the record.

10 (A BRIEF RECESS WAS TAKEN IN THE
11 PROCEEDINGS.)

12 CHAIRWOMAN PIERRE:

13 Let's go back on the record. Let's give
14 the Board members a few minutes to review
15 this, Ron, before we proceed.

16 MR. CROUCH:

17 Yes, ma'am.

18 CHAIRWOMAN PIERRE:

19 Has the Board had enough time to review
20 or do we need a few more minutes?

21 MR. PELLEGRIN:

22 Need a few minutes.

23 MS. LANDRY:

24 I have just one more page.

25 CHAIRWOMAN PIERRE:

1 Okay. Has everybody had a chance to
2 review their information?

3 Okay. All right. Everybody has had an
4 opportunity to review the information. I'm
5 going to ask if anyone has any questions at
6 this time? Any Board members have any
7 questions about the information that's been
8 presented to them? Any questions?

9 MS. LANDRY:

10 I do. I guess I'm the only one.

11 CHAIRWOMAN PIERRE:

12 Me too, but I'll let you go first.

13 MS. LANDRY:

14 Mr. Hyland, when you were here working
15 with Blackwater, were you licensed -- were you
16 working under a license as CSI or Worldwide
17 while you were here?

18 MR. HYLAND:

19 No, ma'am.

20 MS. LANDRY:

21 Okay.

22 MR. HYLAND:

23 As an individual.

24 MS. LANDRY:

25 As an individual with Blackwater.

1 MR. HYLAND:

2 Individual guard.

3 MS. LANDRY:

4 Oh, as an individual guard with
5 Blackwater. Okay. What have you been doing
6 since 2006 then?

7 MR. HYLAND:

8 I worked for Falcon Security until where
9 I was Director of Operations, sales marketing,
10 pretty much ran the company until a
11 disagreement about two years ago during
12 Hurricane Irma, and at that time was
13 terminated by Falcon and have been in a
14 lawsuit with them ever since; which just last
15 week, I won that suit against Falcon, Home
16 Depot and Point 2 Point and settled that
17 matter; and, again, why I'm appealing to the
18 Board to have my own agency so that I can
19 continue to work here in Louisiana and raise
20 the standards of the security guards here and
21 ensure that all training and requirements are
22 properly met and followed.

23 MS. LANDRY:

24 Thank you.

25 CHAIRWOMAN PIERRE:

1 I have a question for you, Mr. Hyland.
2 In 2006, and please correct me if I'm wrong,
3 in 2006, you were notified by Florida that you
4 had a -- that you were being denied, that you
5 did not file your appeal in a timely manner;
6 is that correct?

7 MR. HYLAND:

8 Yes.

9 CHAIRWOMAN PIERRE:

10 Okay. And then again in 2013, you were
11 told that you had to pay a fine; is that
12 correct?

13 MR. HYLAND:

14 Correct.

15 CHAIRWOMAN PIERRE:

16 Okay. And then we go over to 2015 where
17 they're notifying you again of your denial
18 because of noncompliance; is that correct?

19 MR. HYLAND:

20 Yes, ma'am. That's because each time I
21 have tried to negotiate for a settlement, so
22 that's why. The continued denials, as my
23 amount got greater, they still continued to
24 deny. So it's --

25 CHAIRWOMAN PIERRE:

1 Do you have anything to show us that you
2 were in negotiation with them because there's
3 nothing here that shows that?

4 MR. HYLAND:

5 I'd be happy to provide you with whatever
6 legal documentation you'd like.

7 CHAIRWOMAN PIERRE:

8 And my other question is that you were
9 continuing to work in Louisiana for Falcon or
10 another company.

11 MR. HYLAND:

12 Yes, ma'am.

13 CHAIRWOMAN PIERRE:

14 And you made no payments to the State of
15 Florida. So if you -- I guess what I'm
16 thinking is that if you made no payments to
17 the State of Florida for an outstanding debt
18 that you had since 2006, you continued to work
19 and make money and run Falcon as you say and
20 still not pay the State of Florida any money,
21 what would lead us to believe that you would
22 not do the same thing here?

23 MR. HYLAND:

24 Well, they would not take any partial
25 payment, Madam Chairman. It had to be an all

1 or nothing. And the reason that I wouldn't
2 make any payment until agreement was made is
3 because of, one, the case I feel was
4 fictitious to begin with, and numerous
5 attempts since then by the Division of
6 Agriculture of Florida false accusations which
7 have always come out and I did nothing wrong,
8 continued harassment.

9 So until we come to a complete settlement
10 and ensure that by paying the complete fine
11 that I will get my licenses back and the
12 harassment from Florida stop, we're not going
13 to enter into a settlement until we have all
14 of that in writing. As far as why I didn't
15 make payments in the process, you know,
16 unfortunately, I was making, you know,
17 basically a little more than minimum wage for
18 Falcon Security here in Louisiana.

19 CHAIRWOMAN PIERRE:

20 Okay. Thank you.

21 Mr. Blache?

22 MR. BLACHE:

23 Yes, ma'am?

24 CHAIRWOMAN PIERRE:

25 Do we have anything, any sort of copies

1 of any lawsuits or any negotiations that
2 Mr. Hyland has presented to this Board as it
3 relates to his ongoing negotiation with
4 Florida?

5 MR. BLACHE:

6 We have -- you have information that we
7 received in a subpoena request that we sent to
8 the Department of Agriculture that may or may
9 not contain some of that information.

10 The only thing that we factored this
11 decision on was whether or not he had an
12 action taken against him. We noticed that the
13 fines were not paid, not even a penny had been
14 paid even towards the fines, and that was, you
15 know, what put posture for us for denial.

16 I think Mr. Hyland actually applied to
17 us, if I'm not mistaken, once before. And the
18 first time he applied to us, we denied the
19 application based upon the fact that there was
20 a discrepancy in the disclosure about the
21 background. And then I think at that point,
22 he withdrew the application from that process
23 and then came back around under Worldwide and
24 reapplied again.

25 It was only then when he was pursuing

1 that license that we dug a little deeper
2 because now we had another application on our
3 plate that we had to address in a timely
4 fashion. And that's when we came up with this
5 information from Florida that showed that
6 there were some ongoing regulatory issues in
7 the state that would cause us some concern
8 here as well.

9 CHAIRWOMAN PIERRE:

10 What year was that initial application?

11 MR. BLACHE:

12 The first application, I think, was in
13 2016, if I remember correctly. And then this
14 application, I believe, came to us in 2017.

15 CHAIRWOMAN PIERRE:

16 Thank you, Mr. Blache.

17 MR. ROBINSON:

18 What company was that in '16?

19 MR. BLACHE:

20 I don't --

21 MR. ROBINSON:

22 Same company or different company?

23 MR. BLACHE:

24 I don't recall. I believe it might have
25 been C -- it might have been CSI being used at

1 the time. I'm not a hundred percent sure.
2 I'll have to pull the original application and
3 take a look at that and see what it was. I
4 don't remember if it was Worldwide or another
5 entity name that he was using at that time.

6 CHAIRWOMAN PIERRE:

7 Mr. Blache, the application that he
8 applied for in 2016, there was some erroneous
9 information in it or --

10 MR. BLACHE:

11 Yeah. On the disclosure questions on the
12 application, it asks a variety of things about
13 criminal history, backgrounds, et cetera, and
14 there was a material omission in that
15 application that we discovered running the
16 fingerprint background check. And then, you
17 know, we had to go through a back-and-forth
18 exchange of information on that working with
19 the adjudication branch of our agency to
20 figure out what was on the rap sheet versus
21 what was answered on the application. And
22 somewhere in that process, Mr. Hyland
23 basically withdrew from the application
24 process and then came back with a subsequent
25 application in 2017.

1 CHAIRWOMAN PIERRE:

2 So let me ask you, Ron, do you have
3 anything else other than this before we decide
4 on a decision as it relates to this
5 application?

6 MR. CROUCH:

7 We do not. Those are the documents that
8 are admitted into evidence and Mr. Blache's
9 testimony.

10 CHAIRWOMAN PIERRE:

11 Does any Board member have any questions
12 or need any additional information before we
13 go to --

14 MR. WILLIAMS:

15 Yeah, Madam Chairman.

16 CHAIRWOMAN PIERRE:

17 Okay.

18 MR. WILLIAMS:

19 Mr. Hyland, you said that you -- did you
20 say that you made an effort to pay up to at
21 least \$15,000 for Florida?

22 MR. HYLAND:

23 Yes, sir.

24 MR. WILLIAMS:

25 And they -- and how long ago was that?

1 MR. HYLAND:

2 Approximately, three, four months ago.

3 MR. WILLIAMS:

4 So it took place after you had already
5 taken care of your business with Falcon?

6 MR. HYLAND:

7 Yes, sir.

8 MR. WILLIAMS:

9 Okay. That's all I had, Madam Chairman.

10 MR. CROUCH:

11 Just to be clear, let me ask Mr. Hyland a
12 few questions.

13 CROSS EXAMINATION OF DELBERT HYLAND

14 BY MR. CROUCH:

15 Q Prior to the \$15,000, you had asked that
16 the fine be reduced a number of times; correct? At
17 one time, you had asked that it be reduced to \$200,
18 I think?

19 A Yes.

20 Q And then another time, you asked that it
21 be reduced to \$400?

22 A Yeah, that was back in when I initially
23 found out about it. Right. Correct.

24 Q And then at some point, Florida decided
25 they wanted the whole \$21,000; therefore, they

1 rejected your offer of \$15,000; is that correct?

2 A That's correct.

3 MR. CROUCH:

4 Okay.

5 CHAIRWOMAN PIERRE:

6 That's it?

7 MR. CROUCH:

8 Yes.

9 CHAIRWOMAN PIERRE:

10 All right. If there's no objections, if
11 there's no additional information that's
12 needed by this Board, I move that we go to a
13 vote.

14 MR. WILLIAMS:

15 I'll second.

16 CHAIRWOMAN PIERRE:

17 All in favor? Thank you. Mr. Williams
18 seconds.

19 So all in favor of holding -- complying
20 with the request of the Executive Director
21 that this, that Mr. Hyland's application be
22 denied, please vote by saying yea or nay.

23 MS. FINCHUM:

24 Yea.

25 CHAIRWOMAN PIERRE:

1 We're going to take a roll -- can we get
2 a roll call?

3 MS. ALDRIDGE:

4 Sorry.

5 Misty Finchum?

6 MS. FINCHUM:

7 Yea.

8 MS. ALDRIDGE:

9 Durell Pellegrin?

10 MR. PELLEGRIN:

11 Yea.

12 MS. ALDRIDGE:

13 Mark Williams?

14 MR. WILLIAMS:

15 Yea.

16 MS. ALDRIDGE:

17 Edward Robinson?

18 MR. ROBINSON:

19 Yea.

20 MS. ALDRIDGE:

21 Marian Pierre?

22 CHAIRWOMAN PIERRE:

23 Yea.

24 MS. ALDRIDGE:

25 Maria Landry?

1 MS. LANDRY:

2 Yea.

3 MS. ALDRIDGE:

4 Wilbert Sanders?

5 MR. SANDERS:

6 Yea.

7 MS. ALDRIDGE:

8 Ritchie Rivers?

9 MR. RIVERS:

10 Yea.

11 CHAIRWOMAN PIERRE:

12 It has been decided by this Board,
13 Mr. Hyland, that your application be denied at
14 this time.

15 MR. HYLAND:

16 Madam Chairman, Members of the Board,
17 thank you for your time.

18 CHAIRWOMAN PIERRE:

19 You're welcome, sir, and good luck to
20 you.

21 The next hearing is North Atlantic. Is
22 there anyone here representing North Atlantic?

23 MR. LONG:

24 If it please, Madam Chairman, Joe Long
25 representing North Atlantic. I have the

1 President here, Mr. Jabari Edwards.

2 CHAIRWOMAN PIERRE:

3 Okay. Sir, will you please -- who's
4 going to make the statements or are you going
5 to make the statements?

6 MR. LONG:

7 I'll make opening statements, your Honor.
8 I'd ask that Mr. Edwards be allowed to sit at
9 the table.

10 CHAIRWOMAN PIERRE:

11 Could you identify yourself, sir?

12 MR. LONG:

13 Joe Long, Attorney at Law.

14 CHAIRWOMAN PIERRE:

15 And your address?

16 MR. LONG:

17 251 Florida Street, Baton Rouge 70801.

18 Thank you.

19 CHAIRWOMAN PIERRE:

20 Thank you.

21 MR. LONG:

22 Also with me is my law clerk, Mr. Toby
23 Tatum, who has just graduated from Southern
24 Law School and is awaiting his Bar results,
25 and I would ask that he be allowed to sit at

1 the table as well?

2 MR. CROUCH:

3 Good luck. It's a painful period of
4 time.

5 CHAIRWOMAN PIERRE:

6 Well, I've got to say, you're going to
7 one of the best law schools.

8 MR. TATUM:

9 It is one of the best in the country.

10 CHAIRWOMAN PIERRE:

11 It is.

12 MR. TATUM:

13 I tell everybody that.

14 MR. CROUCH:

15 Madam Chairman, I'd ask that all the
16 witnesses that are going to testify be sworn.
17 And other than the agents, the representative
18 and the representative that Mr. Long chooses
19 to be here for his client, that they be
20 sequestered or excluded under the --

21 CHAIRWOMAN PIERRE:

22 Mr. Long, do you have any witnesses here?

23 MR. LONG:

24 Your Honor, I have one witness, Ms. Carli
25 Mateer, who we will designate as the case

1 agent in the matter. As the owner and the
2 President, he's also a party in this matter
3 and he should be exempt from any sequestration
4 rule.

5 We have -- we don't anticipate any other
6 witness testimony from our side, your Honor.

7 MR. CROUCH:

8 Let me -- let me be clear. Both of the
9 people you've named are going to testify?

10 MR. LONG:

11 Say again.

12 MR. CROUCH:

13 Both of the people you've named are going
14 to testify?

15 MR. LONG:

16 I don't anticipate Mr. Edwards
17 testifying, but our case agent will.

18 MR. CROUCH:

19 I object.

20 MR. LONG:

21 Your Honor, this is the first time that
22 I've had the pleasure of being in front of the
23 Board. The first thing we usually go with are
24 preliminary matters. As this is an
25 Administrative Hearing, the laws of evidence

1 and the rules of evidence are relaxed.

2 I have made a copy of all the documents
3 and exhibits in law that we plan on using in
4 this hearing and I've given a copy to each
5 Board member. And I would ask the Hearing
6 Officer to admit this document as North
7 Atlantic #1 In Globo, please.

8 MR. CROUCH:

9 I object. They're relaxed, but not
10 dispensed with. Documents that are going to
11 be introduced into evidence have to be
12 identified, authenticated, and then an
13 admissibility as to relevance and materiality
14 has to be made a determination. So I would
15 ask that he introduce these documents not In
16 Globo, as he wishes, but one at a time so that
17 we can properly object.

18 MR. LONG:

19 Well, we will identify each document and
20 admit them as Counsel requests, but I was
21 looking for a matter of judicial economy. I
22 gave a copy to Counsel this morning. He
23 probably hadn't had an opportunity to review
24 all the documents, so we'll do it as he says,
25 your Honor.

1 HEARING OFFICER MURRAY:

2 Yes, sir.

3 MR. LONG:

4 Ladies and Gentlemen of the Board, my
5 client is here because his license to do
6 business in Louisiana was revoked and he was
7 issued a cease and desist order on
8 August 14th. This revocation was done without
9 a vote of the Board, done pursuant to the
10 Director. He will testify as to why he took
11 these steps ex parte without giving us an
12 opportunity to be heard before you.

13 We believe that the punishment does not
14 fit the crime, so to speak, in this matter.
15 You will hear evidence of what was alleged and
16 then you will see evidence of what actually
17 occurred. And we believe that our client was
18 severely harmed as a result of the Director's
19 rash actions. And that as a result of the
20 Director's actions, our client lost over
21 \$2 million in business.

22 So having said that, I'll turn it over to
23 Mr. Crouch. He has -- his Director is going
24 to testify about what he did.

25 MR. CROUCH:

1 Thank you, Board Members. Just to remind
2 you, the burden of proof is on us to the
3 Board. It's up to us to put before you a
4 prima facie case.

5 The witnesses that are going to testify,
6 I would ask that they now be sworn and anyone
7 who is -- anyone who is going to be testifying
8 has to be excluded, except for those that are
9 allowed by law to remain.

10 HEARING OFFICER MURRAY:

11 Will all the witnesses please raise their
12 right hands?

13 (WITNESSES COMPLY WITH REQUEST.)

14 HEARING OFFICER MURRAY:

15 Do you swear to tell the truth to the
16 best of your ability in front of this tribunal
17 in this matter?

18 MS. MATEER:

19 Yes.

20 MR. CROUCH:

21 And I would ask that they be -- she be
22 excluded.

23 MR. LONG:

24 She's my case agent. She doesn't need to
25 be excluded.

1 MR. CROUCH:

2 Who is the other representative?

3 MR. LONG:

4 He's the owner.

5 MR. CROUCH:

6 He's not testifying; correct?

7 MR. LONG:

8 No, sir. He is the owner of the company,
9 a party in the matter and exempt from the
10 sequestration order.

11 MR. CROUCH:

12 Right.

13 Okay. We ready?

14 CHAIRWOMAN PIERRE:

15 Yes, we are.

16 DIRECT EXAMINATION OF FABIAN BLACHE, III

17 BY MR. CROUCH:

18 Q All right. I would call Fabian Blache to
19 testify.

20 A Okay.

21 MR. CROUCH:

22 And I suppose it's okay for Fabian to
23 remain here?

24 MR. LONG:

25 I have no objection during direct. Upon

1 cross, I may ask him to take the witness
2 stand. But at this point, this is traditional
3 for him, and I have no objection to him
4 testifying from there. That's fine for now.

5 BY MR. CROUCH:

6 Q Mr. Blache, state your name and address
7 for the record, please?

8 A Fabian Blache, 15703 Old Hammond Highway,
9 Baton Rouge, Louisiana.

10 Q How are you employed?

11 A As Executive Director and Chief
12 Administrative Officer of the State Board of
13 Private Security Examiners.

14 Q How long have you been so employed?

15 A Since March of 2016.

16 Q And what are your -- briefly tell the
17 Board what your duties are.

18 A To administer the laws and the rules that
19 regulate the private security industry in the State
20 of Louisiana.

21 Q And you do that on behalf of the Board;
22 is that correct?

23 A That is correct.

24 Q On or about August 14th, did you have
25 occasion to do an investigation of North Atlantic

1 or employees thereof?

2 A Yes.

3 Q Tell the Board what that involved.

4 A I went to a location in Baton Rouge,
5 Louisiana, which is a DCFS, Department of Children
6 and Family Services location where a gentleman by
7 the name of Joshua Lands was working an armed post
8 in a State Governmental building. Mr. Lands was
9 working that post armed with a .38 caliber firearm
10 for which he was not certified to be in possession
11 of the weapon.

12 That constituted a violation of our rules
13 under Chapter 601. And pursuant to that, and I
14 issued a cease and desist notice to the company
15 related to him being on post with an unauthorized
16 weapon, and indicated to them in the correspondence
17 that they had a 72-hour window of time in which to
18 cease operations in Louisiana and that they had a
19 right to request a hearing from the Board.

20 Q I'm going to show a document that I've
21 marked for identification as Board #1. Do you
22 recognize that document?

23 A Yes. This is a Notice of Revocation of
24 Company License. The letter is dated August 14th
25 that indicates that the license had been revoked

1 and references the inspection conducted at the site
2 in Louisiana. It also indicates that there was a
3 fine imposed and that the reason for the revocation
4 was Rule Chapter 601, which indicates that the
5 registrant was found carrying an unauthorized
6 weapon while performing the duties of a security
7 officer; that the license can be suspended or
8 revoked.

9 Q Is that your signature?

10 A That is.

11 Q Mr. Blache, I'll show you another
12 document that I've marked for identification as
13 Board #2.

14 A Uh-huh.

15 Q Do you recognize that?

16 A Yes. That is the accompanying cease and
17 desist order notifying North Atlantic to forthwith
18 cease and desist from the agent and the contracts
19 doing business in the state.

20 Q Those two documents represent the
21 documents by which the revocation action was taken
22 against North Atlantic; is that correct?

23 A Yes.

24 MR. CROUCH:

25 Okay. I'd ask that those two documents

1 be offered and introduced into evidence?

2 MR. LONG:

3 Your Honor, that is Page 1 and 2 of North
4 Atlantic In Globo. We have no objection,
5 obviously, to admit Page 1 and 2 as exhibits.

6 MR. CROUCH:

7 And we would have no objection to the
8 introduction of those in Mr. Long's case.

9 HEARING OFFICER MURRAY:

10 Okay.

11 BY MR. CROUCH:

12 Q I'm going to show you another document
13 marked Board #3. Do you recognize that document?

14 A Yes. That is a letter dated August 15th
15 indicating that pursuant to a request by the Office
16 of State Procurement, we extended North Atlantic's
17 ability to operate beyond 72 hours from the 14th to
18 eight p.m. August 31st. And this was so that the
19 State buildings that they had the contracts at
20 would remain with some sort of security coverage
21 while State Procurement addressed the concern.

22 Q Do you have any idea how the State agency
23 came to know of the revocation?

24 A Yes. They were apparently notified by
25 North Atlantic at some point because they contacted

1 my office when they became aware that the cease and
2 desist had been issued.

3 Q Did you call the State agency and tell
4 them about the revocation?

5 A I did not call them to tell them.

6 MR. CROUCH:

7 I would offer and introduce this document
8 into evidence. Any objection?

9 MR. LONG:

10 That would be the extension of the
11 license through August 31st; correct?

12 MR. CROUCH:

13 That's correct. Yeah.

14 MR. LONG:

15 We have no objection to that document.

16 MR. CROUCH:

17 Thanks. Are you going to offer that as
18 well?

19 MR. LONG:

20 I was not.

21 MR. CROUCH:

22 Okay.

23 BY MR. CROUCH:

24 Q Mr. Fabian, I'll show you a document that
25 I've marked for identification as Board #4. Do you

1 recognize that?

2 A Yes. This is a letter dated August 20th
3 in which we notified North Atlantic that they would
4 have a hearing scheduled today after one of the
5 representatives of their company sent us a written
6 request for a hearing.

7 MR. CROUCH:

8 Any objection, Mr. Long?

9 MR. LONG:

10 No objection as to a request for a
11 hearing document.

12 MR. CROUCH:

13 Offer and introduce into evidence, your
14 Honor.

15 And, your Honor, I would ask -- I'm
16 sorry, Madam Chairman and Board members -- I
17 spend too much time in court.

18 CHAIRWOMAN PIERRE:

19 I think so.

20 MR. CROUCH:

21 I would ask you to take judicial notice
22 of your rules, Title 46, Part LIX, whatever
23 that is, Chapter 6 and Section 601. That is
24 the provision that allows for the revocation
25 for a firearm violation.

1 MR. LONG:

2 Well, could you read that into the
3 record, please?

4 MR. CROUCH:

5 Absolutely.

6 BY MR. CROUCH:

7 Q Mr. Blache, would you read that into the
8 record, please?

9 A Certainly. Chapter 601 is entitled,
10 Contested Proceedings. And what it states is
11 before revoking or suspending a license or
12 registration card or imposing fines or costs over
13 \$500, the Board will afford the applicant an
14 opportunity for a hearing after reasonable notice
15 of not less than 15 days, except in a case of
16 failure to maintain the required insurance or when
17 a registrant is found carrying an unauthorized
18 weapon while performing the duties of a security
19 officer.

20 Q Mr. Blache, do you have an opinion as to
21 what an unauthorized weapon is?

22 A There are requirements -- there are
23 several requirements for a guard in Louisiana to be
24 authorized to possess a weapon. The first is that
25 they have to have completed all classroom training,

1 the second is that they have to have a valid and
2 current firearms certification, and the third would
3 be that they have to have a cleared criminal
4 background. Because a person who is convicted of a
5 felony within the 10-year period of time or a
6 violent crime cannot work in the industry and/or
7 possess a firearm.

8 So an unauthorized weapon would be a
9 person who has a firearms certification that may be
10 current, but their registration has expired, a
11 person who has an expired firearms certification,
12 but their registration is valid, or someone who
13 does not have a clear criminal background or is
14 missing any one of three classroom trainings. That
15 would invalidate their ability to possess a firearm
16 in our state as a security officer.

17 Q Mr. Blache, does this company have a
18 history of problems with this agency?

19 A Yes.

20 Q Briefly tell the Court -- I'm sorry, tell
21 the Board --

22 A Sure.

23 Q -- about that history; however --

24 MR. LONG:

25 All right. We're going to object to

1 this, your Honor. The instances that he's
2 talking about are prohibited as similar acts
3 under Article 404B of the Code of Evidence.
4 Also, all these acts happened before
5 Mr. Edwards even bought the company, so they
6 would be unduly prejudicial and not relevant
7 to these proceedings.

8 MR. CROUCH:

9 Let me lay a foundation, Madam Chairman.

10 CHAIRWOMAN PIERRE:

11 Okay.

12 BY MR. CROUCH:

13 Q Licensure of companies, Mr. Blache, and
14 changes of ownership of those companies, is the
15 companies' licensure with this agency continuous
16 even though it changes ownership?

17 A Yes.

18 Q So would the current owners of a company
19 inherit, so to speak, problems of the previous
20 owner?

21 A Yes.

22 MR. LONG:

23 Okay. Your Honor, with the foundation
24 laid, I renew my objection. It doesn't matter
25 if it happened before my client owned the

1 company. He had no control over handling it.
2 He has a different staff, a different owner.
3 It's not relevant to this violation.

4 MR. CROUCH:

5 Before I proffer the testimony and the
6 documents, I'll need a ruling from the referee
7 as to the admissibility or a ruling on
8 Mr. Long's objection.

9 HEARING OFFICER MURRAY:

10 Mr. Long, is your objection relevance?

11 MR. LONG:

12 It's irrelevant under 404B, your Honor.
13 It's not a criminal conviction, and so it's
14 not admissible under court.

15 Also, it's under 403. Even if it were to
16 be relevant, it would be unduly prejudicial
17 since my client, the owner, didn't even own
18 the company back then. His staff didn't even
19 work for the company at the time in Louisiana.
20 And so whatever happened before he bought it
21 is not relevant to these proceedings.

22 HEARING OFFICER MURRAY:

23 I'm going to sustain Mr. Long's objection
24 but, Mr. Crouch, allow you to proffer your
25 information.

1 MR. CROUCH:

2 And I'm going to have to proffer the
3 testimony as well. That presents a sticky
4 issue because you guys cannot hear this
5 testimony. So it's proffered testimony.

6 For the record, it does not -- it will
7 not go to your decision today. It will be
8 proffered into the record for consideration on
9 appeal.

10 MR. LONG:

11 Your Honor, the proper procedure would be
12 to excuse the Board --

13 MR. CROUCH:

14 Exactly.

15 MR. LONG:

16 -- allow them to go to a conference room,
17 allow Mr. Blache to put his proffered
18 testimony on the record, and then bring the
19 Board back in.

20 MR. CROUCH:

21 That is correct. I agree with that. So
22 would you guys like to go get a cup of coffee?

23 CHAIRWOMAN PIERRE:

24 Sure.

25 HEARING OFFICER MURRAY:

1 Sure. So we're off the record?

2 MR. CROUCH:

3 We're off the record for a moment.

4 CHAIRWOMAN PIERRE:

5 We're off the record.

6 (WHEREUPON, A BRIEF RECESS WAS TAKEN IN
7 THE PROCEEDINGS.)

8 (AFTER THE BRIEF RECESS, BOARD MEMBERS
9 EXITED THE MEETING AND PROFFERED TESTIMONY WAS
10 OFFERED)

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(WHEREUPON, PROFFERED QUESTIONS AND ANSWERS ENDED AND A BRIEF RECESS WAS TAKEN IN THE PROCEEDINGS.)

CHAIRWOMAN PIERRE:

Okay.

MR. CROUCH:

Having completed the proffered evidence and except for rebuttal testimony, we rest.

CHAIRWOMAN PIERRE:

State Board of Private Security Examiners

1 is now back in session.

2 MR. LONG:

3 All right. No more testimony,

4 Mr. Crouch?

5 MR. CROUCH:

6 No.

7 MR. LONG:

8 All right. I would ask that Mr. Blache
9 take the witness stand over here for cross
10 examination.

11 CHAIRWOMAN PIERRE:

12 Mr. Blache, you're still under oath.

13 MR. LONG:

14 All right. Mr. Crouch, I'm going to hand
15 this to him and I'll be referring him to some
16 documents and then I'll be asking him --

17 MR. CROUCH:

18 That's fine. It's the same thing?

19 MR. LONG:

20 Correct. It is the same documents.

21 MR. CROUCH:

22 Okay.

23 CROSS EXAMINATION OF FABIAN BLACHE, III

24 BY MR. LONG:

25 Q Here's your copy, Mr. Blache.

1 A Okay.

2 Q All right. The documents that I've given
3 you are all numbered and so you should be able to
4 keep up. The number is in the bottom of the page
5 in the center. And so as I refer to documents,
6 I'll ask you to identify it, and then we'll ask
7 Mr. Crouch if he has any objection to offering it
8 in as evidence.

9 MR. LONG:

10 Is that a fair procedure to you,
11 Mr. Crouch?

12 MR. CROUCH:

13 Perfectly fine.

14 BY MR. LONG:

15 Q All right. Mr. Blache, turning your
16 attention to Page 1 of North Atlantic In Globo is
17 the cease and desist order that you issued on
18 August 14th, 2018; correct?

19 A Yes.

20 Q And you admit that you issued this cease
21 and desist order, and on Page 2 is the revocation.
22 You did that without conferring with the Board;
23 correct?

24 A Correct.

25 Q And you did that because you believe your

1 power as director that you could revoke someone's
2 license because he was carrying an unauthorized
3 weapon; right?

4 A Yes.

5 Q Was there any other reason why you
6 revoked the license without conferring with the
7 Board?

8 A I had identified a couple of other
9 instances where there were security officers
10 working who did not have proper authorization for
11 their weapons.

12 Q All right. Tell me about that.

13 A We identified an individual by the name
14 of Samuel Sears --

15 Q Yes.

16 A -- who had an expired firearms
17 certification. We also had another individual by
18 the name of Jamie Briggs who had no classroom
19 training, which is a requirement to be in
20 possession of a firearm.

21 Q All right. Turning your attention to
22 Page 4, there is an email that you sent to North
23 Atlantic --

24 A These pages aren't numbered just so you
25 know.

1 Q I'm talking about on my mine. They're
2 not numbered?

3 A No, sir, so I'm going to look and follow
4 you.

5 Q Okay. I'll give you this one right here.
6 This one is numbered here. I apologize.

7 A That's okay.

8 Q Sorry, Clerks, but you get the unnumbered
9 ones.

10 MR. RIVERS:

11 I don't think these are numbered.

12 MR. LONG:

13 On the bottom, it should be numbered,
14 sir.

15 CHAIRWOMAN PIERRE:

16 To your right.

17 MR. RIVERS:

18 Okay.

19 BY MR. LONG:

20 Q All right. So if I turn your attention
21 to Page 4, there's an email from the Executive
22 Secretary. That's you; right?

23 A Yeah. Let me see where you're talking
24 about.

25 Q Page 4. Look at the bottom in the center

1 here, North Atlantic, Page 4.

2 A Okay. Got it.

3 Q And this is an email from Executive
4 Secretary to North Atlantic and it says to clarify,
5 and it gives the names of one, two, three, four,
6 five, six, seven, eight guards and --

7 A Okay.

8 Q -- looks like that they needed refresher
9 training; is that correct?

10 A Yeah. This was pursuant to a
11 conversation I had on the telephone with someone at
12 the organization.

13 Q Okay. Let's talk about contact.

14 MR. CROUCH:

15 Mr. Long, just a moment. Board members,
16 until the document has been admitted and I
17 have no objection to it, please don't be
18 reading it or following it along because the
19 document could be objectionable. And once he
20 completes with the document and offers it into
21 evidence and I don't have an objection or the
22 referee has ruled on the admissibility of it,
23 please don't review the document. Listen to
24 the testimony, please.

25 MR. LONG:

1 Okay. So let's do it this way. Page 1,
2 cease and desist order?

3 MR. CROUCH:

4 No objection.

5 MR. LONG:

6 No objection. Page 2 --

7 MR. CROUCH:

8 No objection.

9 MR. LONG:

10 -- notice of revocation?

11 MR. CROUCH:

12 No objection.

13 MR. LONG:

14 Okay. Page 3 is from the Louisiana
15 Administrative Code identifying what an
16 authorized weapon is.

17 MR. CROUCH:

18 No objection.

19 BY MR. LONG:

20 Q All right. Let's go over that. In the
21 law --

22 A Excuse me.

23 Q Yes?

24 A I want to point something out.

25 Q You don't have a question right now, sir.

1 A This Administrative Code that you're
2 about to reference is not the correct year.

3 Q Okay. Is it materially different than
4 the new year?

5 A It could very well be.

6 Q Is it?

7 A It could very well be and it needs to be
8 addressed.

9 Q Okay. Well, you can bring that up in
10 cross examination; all right.

11 Firearms training, Page 3, all right, it
12 says, authorized weapons on the bottom under E, the
13 following weapons are the only weapons authorized
14 and approved by the Board, the P24 baton, the .357
15 caliber revolver with a minimum of a 4-inch barrel,
16 a .38 caliber ammunition, a .38 caliber revolver
17 with a 4-inch barrel, a nine millimeter
18 semiautomatic, a shotgun, a .40 caliber weapon; is
19 that correct?

20 Those are the authorized weapons by the
21 Board; correct?

22 A Because this is not the current version
23 of the Rule, I'm not going to respond to that.

24 Q Okay. Under --

25 A I have to do this based upon what is

1 currently in effect.

2 Q Under this Administrative Code --

3 A Uh-huh.

4 Q -- which is the law, and you're arguing
5 that it was -- in 2006, this is the 2006 version.
6 Until you show me that there's an updated version
7 where these are not the only authorized weapons --
8 as of 2006, they were the only authorized weapons
9 for the Board; correct?

10 A As of 2006, that's correct.

11 Q Okay. And so when you found Mr. Lands on
12 his post over at Family Services, what kind of
13 weapon did he have on his person?

14 A He had what appeared to be a revolver,
15 either of the .38 caliber or .357 caliber variety.

16 Q Okay. And if it was a .38 caliber
17 revolver, then it would have been an authorized
18 weapon as the Board defines it; correct?

19 A So let me answer your question.

20 Q Please answer the question, and then you
21 can explain it any way you want. A .38 caliber
22 revolver is an authorized weapon; is that right?

23 A A .38 caliber revolver pursuant to
24 Chapter 405 under firearms training is one of the
25 types of weapons that security officers are allowed

1 to carry when properly trained and registered and
2 certified. Yes.

3 Q Okay. Show me in the law where it says
4 that it's an unauthorized weapon if you miss your
5 refresher training or you're not certified with it.
6 Show me where it says that's an unauthorized weapon
7 in the law anywhere. 2006 version? 2011 version?
8 Anywhere other than in your mind?

9 A Well, in our statute and in our rules
10 completely indicates that for a person to function
11 as a security officer, there are certain
12 requirements that have to be met.

13 Q That's right, but it doesn't allow you to
14 make an ex parte revocation without talking to the
15 Board first if they're three days out of refresher
16 training?

17 A Chapter 601 actually, in fact, does allow
18 me to do that. If your insurance expires, it can
19 be done. If the person is on a post with a weapon
20 that they are not authorized to carry, it can be
21 done.

22 Q Okay. Was Mr. Lands authorized to carry
23 a .38 --

24 A No.

25 Q -- caliber?

1 A He was not.

2 Q Okay. So you're arguing because he was
3 three days out of refresher training, he's carrying
4 an unauthorized weapon?

5 A Three minutes out, he's unauthorized.

6 Q Right. But the law says an authorized
7 weapon is a weapon that is authorized by the Board.

8 A You're talking about a definition under
9 firearms training. I'm talking about what's
10 required by Chapter 601. We're talking about two
11 different portions of the Rule.

12 Q Can you show me anywhere in the Rule
13 anywhere under the statute under the Administrative
14 Code, any law that supports your definition of
15 unauthorized weapon?

16 A Yeah, it's under --

17 MR. CROUCH:

18 I'm going to object, your Honor. The
19 questions --

20 A It's under Title 37. And I can direct
21 you to where it indicates what the requirements are
22 to be in possession of a weapon as a security
23 officer.

24 HEARING OFFICER MURRAY:

25 Let me interrupt testimony. There's an

1 objection.

2 MR. CROUCH:

3 I'm going to object. The question has
4 been asked and answered. Mr. Fabian has
5 already given his opinion about 601 versus
6 405.

7 MR. LONG:

8 I'm giving the witness the opportunity to
9 tell the Board where in the Code his
10 definition is.

11 MR. CROUCH:

12 He already has. Section 601.

13 MR. LONG:

14 601 is very large. What's the statute?
15 601 what?

16 MR. CROUCH:

17 601 -- the Administrative Rule 601.

18 MR. LONG:

19 Okay.

20 MR. CROUCH:

21 Not Administrative Rule 405.

22 MR. LONG:

23 All right.

24 MR. CROUCH:

25 The statute --

1 HEARING OFFICER MURRAY:

2 So I'm going to allow Mr. Blache to
3 finish answering this question.

4 MR. CROUCH:

5 Okay.

6 HEARING OFFICER MURRAY:

7 And then, Mr. Long, I'm going to ask you
8 to move on with your cross.

9 MR. LONG:

10 Yes, ma'am.

11 BY MR. LONG:

12 Q Anything else, sir?

13 A Yeah. I'm going to look up in Title 37
14 specifically what it is that you're asking me so I
15 can read it into the record. If you can just give
16 me a moment?

17 So the first component that addresses
18 this issue is the fact that all security officers
19 must be certified by a state licensed firearms
20 instructor. State licensed firearms instructor
21 comes in four different varieties. One is if they
22 are a POST Certified firearms instructor. The
23 other is if they are an NRA Certified firearms
24 instructor. The third would be a Department of
25 Energy Certified firearms instructor or any US dot

1 mil navy, army, marine corp, police firearms
2 instructor.

3 Those are the four varieties that this
4 agency recognizes to issue a license to a person to
5 teach firearms, which then allows them to certify
6 or not certify an individual who wants to function
7 as an armed guard with a weapon.

8 Q Okay.

9 A That requirement --

10 Q So that means he's certified with a
11 weapon or registered with a weapon; correct?

12 A To have an authorized weapon, you must be
13 certified by a state licensed firearms instructor.

14 Q You would --

15 A So the first component to compliance in
16 this process is that the person cannot be trained
17 by just anyone. They have to be trained by a state
18 licensed firearms instructor who possesses one of
19 these four certifications.

20 Q There's no argument on that. Okay.

21 A That's --

22 Q But that's a different violation; right?
23 That means you're out -- that you don't have
24 registration. Doesn't mean that you're carrying an
25 unauthorized weapon. It means you're out of

1 registration.

2 A No, sir.

3 Q You're not registered or certified to
4 carry that weapon.

5 A No.

6 Q It doesn't mean you're carrying an
7 unauthorized weapon like a machine gun or a flame
8 thrower or a hand grenade, okay. It's an
9 authorized weapon. He's just out of registration.

10 A No, it's not he's just -- it's out of
11 certification in this case.

12 Q Okay. Out of certification.

13 A But they're different. Herein --

14 Q Would you agree though?

15 A Herein lies the dilemma.

16 Q Okay.

17 A Okay. So let --

18 Q Would you agree that being out
19 of certification is different than carrying an --

20 A I'm still trying to answer your first
21 question.

22 Q -- unauthorized weapon?

23 A I'm still trying to answer your first
24 question and give you the -- you asked me to show
25 you where. So I'm taking you through it so that

1 it's fully understood. Okay.

2 The first part of the dilemma is there's
3 a distinct difference between licensure,
4 registration, and certification. Any disconnect
5 with those, problems emerge.

6 The guard has to possess a registration
7 card to stand even in unarmed posts. They also
8 have training requirements that they must undergo
9 within a certain prescribed time period, even for
10 an unarmed post. The certification issue comes
11 into play when there are guns in the equation.

12 So a guard can go from being an unarmed
13 guard for a year in their two-year registration
14 cycle to being a firearm carrying armed guard when
15 they are trained by a state licensed instructor and
16 certified --

17 Q Was Joshua Lands --

18 A -- to carry the weapon.

19 Q -- trained under a .38 caliber weapon --

20 A Not at that time.

21 Q -- by a state licensed instructor?

22 A Not at the time he was inspected, no,
23 sir.

24 Q The fact is he had been trained. He just
25 hadn't had his refresher training; isn't that

1 right?

2 A That is correct.

3 Q All right.

4 A I agree.

5 MR. CROUCH:

6 Your Honor? Your Honor, wait. Wait.
7 This is going to get very confusing on a
8 record. Please, I would ask the attorney to
9 ask the question, let the witness answer the
10 question, and then rephrase or embellish the
11 question. But, please, don't talk at the same
12 time.

13 HEARING OFFICER MURRAY:

14 I'm going to ask Mr. Long and Mr. Blache
15 to wait until, respectfully, until either of
16 you finishes talking before speaking for the
17 purposes of the Board's clarification and so
18 that the court reporter can get everything
19 accurately written.

20 BY MR. LONG:

21 Q Anything else?

22 A Yes. Then, I want to direct you to
23 37:3284. Under 37:3284, it talks about the
24 training of security officers. This is the
25 statute. This is the law.

1 It says, the Board shall approve all
2 training programs. It says, any security officer
3 employed after the effective date of this chapter
4 shall comply within 30 days of his first work
5 assignment and gain either eight hours of classroom
6 training or an approved curriculum based training
7 course under a licensed instructor. The
8 instructors, again, I want to reiterate, are
9 licensed by the Board.

10 In addition to that, it says, armed
11 security officers, in addition to the training
12 requirements outlined in Paragraphs 1 and 4 of this
13 subsection shall complete firearms training and
14 range qualification as prescribed by the Board
15 prior to armed work assignment.

16 Q Okay.

17 A The nature and extent of firearms
18 training shall be adequately described and
19 approved. It also says, security officers shall
20 have 60 days from the date of the first work
21 assignment to complete either an additional eight
22 hours of classroom training or an approved
23 curriculum based training course.

24 It then goes on to say that no more than
25 two of the training requirements provided may be

1 done in a 24-hour period. Failure to comply with
2 the required training may preclude future
3 consideration for a license period of one year.
4 All armed security officers must complete an annual
5 firearms retraining course as prescribed by the
6 Board, which includes refresher courses on subjects
7 previously specified.

8 Q Okay. Go above that on C.

9 A Uh-huh.

10 Q And what does it say? Read it to the
11 Board. What does it say?

12 A Failure to acquire --

13 Q What's the sanction if you don't do this?

14 A -- training within a prescribed time
15 period may preclude further consideration for a
16 license for a period of one year.

17 Q Right. That's the sanction. If they
18 don't do the training within the prescribed time,
19 the guard may not have a license for a year.

20 A The guards are not licensed, sir. That's
21 the problem. You're misunderstanding. Guards are
22 not licensed in Louisiana.

23 Q The guard's --

24 A Companies are licensed.

25 Q The guard's registration is --

1 A The guard is registered to the company
2 license.

3 Q -- getting taken away; right?

4 A Guards are not licensed in Louisiana.

5 Q Can you pull the ability of a guard to
6 work in Louisiana?

7 A What do you mean? Clarify the question.

8 Q Can you prevent a guard from working in
9 Louisiana as the Director?

10 A Yes.

11 Q Of course you can. So you can call it
12 whatever you want, but you can stop that guard from
13 working for a period of a year if he doesn't get
14 the proper training; can't you?

15 A This is referring to the license hold.

16 Q No, it isn't. It's referring to the
17 training of the security officers, 3284.

18 A Yeah. But if you look at the rules --

19 Q Page 102, by the way?

20 A Now, I'll take you back to the rules. So
21 I'm going to go there and answer your question
22 because they are tied together. When you go back
23 into the rules here and you go to the sanctions
24 table on the rules, what it specifically states is
25 --

1 Q Please cite --

2 A -- licensee's --

3 Q Please cite the statute.

4 A It's Title 46, Part LIX. And now, I'm
5 in, let's see, 903C. Licensee's failure to have a
6 registrant in their employ trained within the
7 prescribed time period.

8 Q Yeah.

9 A So it's the licensee's responsibility --

10 Q Continue reading it.

11 A -- to continue to train. It says, if the
12 registrant is not trained within 14 days after the
13 deadline date, then an Administrative fine
14 accumulates at a daily rate.

15 Q Okay.

16 A Then it says, licensee (inaudible) to
17 submit to the Board a training verification form on
18 the registrant in their employ.

19 Q In this situation, Mr. Lands was found on
20 August 14th of being three days late on his
21 refresher training.

22 A Uh-huh.

23 Q He got his refresher training on
24 August 15th, which was within four days of the
25 deadline date; isn't that right?

1 A That's talking about the assessment of
2 the actual monetary fine --

3 Q The point is --

4 A -- is what it says.

5 Q The point is, as soon as North Atlantic
6 found out that his refresher training had lapsed,
7 they scheduled the training immediately and got him
8 trained the next day; isn't that right?

9 A I don't know that.

10 Q You don't know that?

11 A They didn't communicate that to me.

12 Q Well, you'll hear from North Atlantic
13 later.

14 Let's go back and Page 4 is the email
15 where you said that there were eight additional
16 officers that were out of certification.

17 A No, I was clarifying a conversation.

18 MR. CROUCH:

19 Wait. Wait. Wait. What about document,
20 Page 003, are we finished with that? I mean,
21 you're going to offer that into evidence?

22 MR. LONG:

23 Yes. You had already said no objection
24 to that, but --

25 MR. CROUCH:

1 No. No, not three.

2 MR. LONG:

3 Well, three is law, so you can't really
4 object to that.

5 MR. CROUCH:

6 I can object to it because it's not the
7 current version.

8 MR. LONG:

9 Okay.

10 MR. CROUCH:

11 This section was amended in 2'08.

12 MR. LONG:

13 Okay.

14 MR. CROUCH:

15 This is 2'06.

16 MR. LONG:

17 All right.

18 MR. CROUCH:

19 This is not the correct version of that
20 law. Now, I --

21 MR. LONG:

22 Your Honor, I would --

23 MR. CROUCH:

24 If you'd let me finish my objection,
25 please?

1 MR. LONG:

2 I'm sorry. I apologize. Go ahead.

3 MR. CROUCH:

4 I will stipulate that the 2'08 version is
5 substantially the same as this, but I want to
6 clarify the record. And I have no objection
7 to the admissibility of Section, whatever it
8 is, 405 as amended in 2'08.

9 I think that solves your problem, Joe.

10 MR. LONG:

11 Would you stipulate that a .38 caliber
12 was an authorized weapon?

13 MR. CROUCH:

14 Certainly.

15 MR. LONG:

16 Okay. I think that's --

17 (MULTIPLE SPEAKERS)

18 MR. CROUCH:

19 (Inaudible).

20 MR. LONG:

21 -- the crepitus of the issue.

22 HEARING OFFICER MURRAY:

23 Wait. Excuse me, sir. Are we -- is this
24 going in?

25 MR. LONG:

1 He says he'd stipulate that this
2 document, the 2008 is substantially the same;
3 correct?

4 MR. CROUCH:

5 And I would just ask the Board to take
6 judicial notice of it and we can provide them
7 with the proper copy of it. They probably
8 have 2'08 in their possession as Board members
9 anyway, so it's a minor point.

10 But if it goes up on appeal, I just want
11 a clear record for the court.

12 MR. LONG:

13 Okay. I'm done.

14 HEARING OFFICER MURRAY:

15 So Page 3 is going in --

16 MR. LONG:

17 Page 3 is going in.

18 HEARING OFFICER MURRAY:

19 -- as the 2006 version of Section 405
20 of --

21 MR. LONG:

22 Which we believe is the same as 2008,
23 substantially the same.

24 MR. CROUCH:

25 I think it is substantially the same.

1 MS. LANDRY:

2 No, it is a little bit different.

3 MR. CROUCH:

4 It is a little bit different, but I will
5 stipulate that 405, as amended in 2'08, is
6 admissible. I don't have any objection to its
7 admissibility.

8 HEARING OFFICER MURRAY:

9 Okay.

10 BY MR. LONG:

11 Q The whole point, Mr. Blache, is whether
12 it's the '06 version or the '08 version of the law,
13 a .38 caliber weapon with a 4-inch barrel is an
14 authorized weapon; isn't that right?

15 A In terms of what is defined --

16 Q Yes.

17 A -- as what can be used in the --

18 Q Correct.

19 A -- course and scope of employment --

20 Q Correct.

21 A -- that is correct.

22 Q All right. So Page 4 asks -- Page 4 is
23 the guards that you identified as missing refresher
24 training?

25 A Actually, that says to clarify because I

1 had a conversation with someone.

2 Q Okay.

3 A And this was the outgrowth of that
4 conversation. So this was me pushing that
5 information back and giving them an opportunity to
6 address any questions that might exist with these
7 particular folks.

8 Q Okay.

9 A Because we were just trying to get some
10 clarity on who was where and what they had them
11 doing.

12 Q Right. But this is part of why we're
13 here today. You're saying that these eight were
14 also out of certification; correct?

15 A No, this is -- this is after the C and D
16 was issued. The C and D was issued pursuant to my
17 inspection of Mr. Lands.

18 Q The cease and desist.

19 A Correct.

20 Q Yes.

21 A I inspected Mr. Lands, had a conversation
22 with him. He explained his situation of his
23 firearms certification and his relationship with
24 North Atlantic. He was not in possession of a
25 North Atlantic card at the time or a firearms

1 certification. That's when I took the action.

2 This is a subsequent conversation trying
3 to get some clarity around what was going on with
4 the people who were carrying weapons.

5 Q When did you inspect Officer Lands? What
6 time of the day was that?

7 A I believe it was in the morning time.

8 Q What time do you get to work usually?

9 A It depends on where I'm starting my day.
10 If it's at State Police, here, doing an inspection.
11 So anywhere between eight and nine o'clock.

12 Q All right. So between eight and nine
13 o'clock, you came up on Mr. Lands, you asked him
14 for his registration card; correct?

15 A I asked him for his registration card.

16 Q And he didn't have it.

17 A Correct.

18 Q And you later found out that he was three
19 days late on his refresher training; correct?

20 A Actually, I found out then. I mean I
21 knew that then and I found out then because I asked
22 him what the situation was with his card. He
23 explained to me that he didn't have a card for
24 North Atlantic; that he had also contacted North
25 Atlantic, according to him, three weeks prior

1 indicating that his firearms certification was
2 going to expire, and that he was told -- and I'm
3 paraphrasing what he told me -- don't worry about
4 it, just go to your post.

5 Q Okay. Who was his employer at the time?

6 A North Atlantic.

7 Q Okay. Who else was his employer at the
8 time?

9 A Hold on. Give me one second. I don't
10 know if I pulled his guard history or not, so just
11 give me one second to pull it up and I'll tell you,
12 because guards can work for multiple companies in
13 some instances.

14 Q Okay. We'll wait for you.

15 A Thank you. Just give me one moment.
16 Okay. Let's see, okay. So it lists North Atlantic
17 Security Company and Rivers Security, LLC.

18 Q Who is Rivers Security, LLC?

19 A That is Mr. Ritchie Rivers, who is one of
20 the members of --

21 Q Board member; correct?

22 A Yes.

23 Q So this individual who you say was
24 carrying an unauthorized weapon worked for two
25 different employers that were licensed by your

1 Board; correct?

2 A That's correct.

3 Q So both of these licensees were in
4 violation; correct?

5 A No, sir, not necessarily. An armed guard
6 can work an unarmed post. When I came upon
7 Mr. Lands, he was working an armed post in a North
8 Atlantic uniform.

9 Q Okay. How did you find Mr. Lands? Did
10 you have a confidential informant that tipped you
11 to Mr. Lands?

12 A I received a phone call that Mr. Lands
13 had expressed concerns about his firearms
14 certification and that he was working an armed
15 post.

16 Q Who gave you that information?

17 A Mr. Rivers called me.

18 Q And Mr. Rivers was your confidential
19 informant?

20 A He was my -- he was the informant. He
21 was the individual that called me, yes.

22 Q Okay. All right. All allegations and
23 complaints to the Board must be in writing and
24 signed by the complainant; isn't that correct?

25 A No, not necessarily.

1 Q If I showed you the law on that, would
2 you agree to it? Sir?

3 A I'm sorry?

4 Q If I showed you the law that says that
5 all complaints must be in writing and signed by the
6 complainant, if I would direct you to Page 16, it
7 is Title 46, Part LIX, Chapter 1, the Louisiana
8 Administrative Code in accordance with, this is
9 Page 16, in accordance with Title 46, Chapter 1,
10 105, anonymous tips are not allowed. Complaints to
11 the Board shall be in writing, signed by the
12 individual making the complaint, and including a
13 means by which to contact the individual for
14 investigative purposes; thus, anonymous phone tips
15 are not allowed and cannot be acted upon.

16 A I didn't say it was an anonymous phone
17 call. You did.

18 Q Did this complaint get reduced into
19 writing?

20 A Yeah, it's reduced into writing. I
21 immediately took action on it. I went out and
22 inspected the post.

23 Q Did the complaint get put in writing and
24 signed by Mr. Rivers?

25 A Right here in my letter, it indicates

1 that I conducted an inspection of a North Atlantic
2 security officer.

3 MR. LONG:

4 Madam Hearing Officer, I would ask the
5 witness to answer my question.

6 BY MR. LONG:

7 Q Was the complaint in writing signed by
8 the complainant as required by Title 46?

9 A My conversation was with the employee
10 after that, not with Mr. Rivers.

11 MR. LONG:

12 I would direct -- I would ask the Hearing
13 Officer to direct the witness to answer the
14 question that I ask.

15 BY MR. LONG:

16 Q Did you have a written complaint in
17 writing at the time the complaint was made?

18 HEARING OFFICER MURRAY:

19 The witness will answer.

20 A No, not from Mr. Rivers.

21 BY MR. LONG:

22 Q Okay. Later, a month later or three
23 weeks later at this time in this hearing, do you
24 still not have a written complaint signed by
25 Mr. Rivers?

1 A I do not have a written complaint.

2 Q So let me get this straight here.

3 Mr. Rivers, who is the employee of Mr. Lands, makes
4 a complaint to you that this security guard is
5 three days out of compliance. You don't reduce
6 Mr. Rivers's complaint to writing and you don't
7 require Mr. Rivers to sign the complaint as
8 required by law; isn't that right?

9 A I did not reduce that to writing.

10 Q That's right. And so Mr. Rivers, who has
11 knowledge about Mr. Lands's certification, tips you
12 and says, hey, he's working for another company and
13 he's not certified; right?

14 A Mr. Rivers was notified by Mr. Lands that
15 his certification was going to expire. Mr. Lands
16 spoke to me and indicated that his certification
17 was going to expire.

18 I conducted an inspection. I did not
19 take action against North Atlantic based upon a
20 phoned in complaint. I did that based upon
21 personal information.

22 MR. LONG:

23 Madam Hearing Officer, at this point, we
24 have evidence that a member of the Board is a
25 fact witness in this hearing. I would ask

1 that he be sequestered and asked to leave the
2 room.

3 MR. CROUCH:

4 Your Honor, one comment. Section 105
5 that Mr. Long is cross examining on, the title
6 is Consumer Information. That suggests to me
7 that complaints from consumers must be in
8 writing, not members of the Board who are the
9 employees of the Executive Director.

10 That may seem like a distinction without
11 a difference, but I think it is a distinction.
12 I think the intent of 105 is that complaints
13 from consumers must be in writing to prohibit
14 false and misleading complaints to come to the
15 Board for investigation. I think that's
16 distinguishable from Board members.

17 MR. LONG:

18 Your Honor, Mr. Rivers is a fact witness
19 in this matter. His testimony will be needed
20 at a later date. The rules of sequestration
21 require him not to hear future testimony until
22 he has testified.

23 I'm asking that he be recused from this
24 Board on this hearing case, asked -- sworn in
25 as a witness and asked to walk outside as

1 other witnesses have been instructed to do so.
2 We should not have to hear what he told
3 Mr. Blache from Mr. Blache.

4 Mr. Rivers is going to tell us what he
5 said, why he did it, why he didn't sign a
6 complaint, and why he didn't write a
7 complaint.

8 HEARING OFFICER MURRAY:

9 Mr. Long, are you saying that you intend
10 to call Mr. Rivers today?

11 MR. LONG:

12 I do. I will call him right after this
13 witness.

14 HEARING OFFICER MURRAY:

15 Although he has heard all of the previous
16 testimony in this matter?

17 MR. LONG:

18 We just found out that he is the source.
19 So as soon as we found out, I made the
20 objection, Judge. He has a conflict of
21 interest here. He's a fact witness. He can't
22 be a judge in his own cost.

23 MR. CROUCH:

24 I have no objection.

25 HEARING OFFICER MURRAY:

1 Mr. Crouch and Mr. Long, approach.

2 (WHEREUPON, MR. CROUCH AND MR. LONG
3 COMPLIED WITH REQUEST.)

4 HEARING OFFICER MURRAY:

5 Okay. Mr. Rivers, you understand the
6 statements made by Mr. Long and Mr. Crouch?

7 MR. RIVERS:

8 Yes, ma'am, I do.

9 HEARING OFFICER MURRAY:

10 You understand that you are about to be
11 called as a witness in this proceeding and
12 that you'll be sworn and your sworn testimony
13 will be part of the record and may be used at
14 a later time in addition to judicial
15 proceedings regarding this license.

16 MR. RIVERS:

17 Yes, ma'am.

18 HEARING OFFICER MURRAY:

19 And you understand that because you are
20 not being called as a witness, you will be
21 prevented from voting on the decision
22 regarding this license at this time?

23 MR. RIVERS:

24 Yes, I do.

25 HEARING OFFICER MURRAY:

1 Okay. And you understand that you will
2 now be asked to leave the room. And when you
3 are called as a witness, after your testimony,
4 you'll have to participate in the rest of the
5 Board's activities today but not in the voting
6 on this issue?

7 MR. RIVERS:

8 Yes, I do.

9 HEARING OFFICER MURRAY:

10 Okay.

11 MR. CROUCH:

12 I would ask that you go on and swear him
13 in, your Honor.

14 HEARING OFFICER MURRAY:

15 Raise your right hand.

16 MR. RIVERS:

17 (Complies with request.)

18 HEARING OFFICER MURRAY:

19 Do you swear that your testimony in this
20 proceeding before this tribunal will be the
21 truth to the best of your knowledge and
22 abilities?

23 MR. RIVERS:

24 Yes, I do.

25 HEARING OFFICER MURRAY:

1 The witness has been sworn and will now
2 leave, physically leave this room as a part of
3 the previously described sequestration
4 procedures. He will enter to testify, but he
5 will not vote on the revocation or
6 reinstatement of this license.

7 MR. CROUCH:

8 Do all the Board members understand what
9 just happened?

10 (YES BY ALL)

11 MR. CROUCH:

12 Okay.

13 MR. LONG:

14 I would ask that Page 16 be offered into
15 evidence.

16 MR. CROUCH:

17 With my previous comment, I have no
18 objection -- subject to my previous comment.

19 MR. LONG:

20 Now --

21 HEARING OFFICER MURRAY:

22 Excuse me. Is there any dispute as to
23 whether this is the 2006 or 2008 or 2011
24 version of this provision?

25 MR. LONG:

1 He just made no objection to the
2 admittance. I'm representing that it's
3 current law.

4 HEARING OFFICER MURRAY:

5 Okay.

6 MR. LONG:

7 And he's making no objection.

8 MR. CROUCH:

9 And I'm looking at -- it hasn't been
10 amended since 2000, so it is the current
11 version.

12 BY MR. LONG:

13 Q All right. So now we know how you found
14 out about Mr. Lands, and that was at nine o'clock
15 in the morning. And then you went back to your
16 office and did further investigation?

17 A Yes.

18 Q All right. And then at 12:44 p.m., you
19 email North Atlantic and say, hey, there's eight
20 more guards that need refresher training; isn't
21 that correct?

22 A We were looking at a variety of things
23 actually. We were asking them for whatever it is
24 that they might have had to show what else was
25 going on with any of the armed guards as we began

1 conducting the investigation to verify training on
2 any individuals that North Atlantic might have in
3 their possession.

4 Q All right. And in response to your
5 allegation that these eight guards needed refresher
6 training, North Atlantic sent you the certification
7 documents; correct?

8 A Actually, the question was again based
9 upon a conversation that I had. North Atlantic
10 sent me a table of information that had gaps in it.
11 And my question was with respect to the gaps in the
12 table.

13 Q Did --

14 A So I was using their information.

15 Q Right.

16 A And then asking them questions back about
17 what was provided to us.

18 Q Okay. But North Atlantic on the same
19 day, on the same day, did they send you all these
20 firearms verification forms?

21 A We were able to reconcile questions about
22 a variety of different things with the exception of
23 two other individuals besides Mr. Lands.

24 Q Let's get down -- speak English for
25 everybody, okay.

1 So you allegedly had concerns for nine
2 guards; correct?

3 A North Atlantic gave us concern for nine
4 guards when they sent us the table with gaps in it.

5 Q When -- after your investigation, you
6 realized seven of the guards that you thought were
7 out of certification actually were in
8 certification?

9 A Seven of the guards that they didn't
10 immediately have information on, they were able to
11 subsequently provide information on.

12 Q Okay.

13 A We accepted that information.

14 Q So we're here about two guards; correct?

15 A We're here about three guards.

16 Q Three guards. Who are they?

17 A Samuel Sears, Jamie Briggs, and Joshua
18 Lands.

19 Q Who is Briggs?

20 A Briggs worked DCFS Oak Park. He has no
21 classroom training.

22 Q Okay. I'm looking at your document here,
23 your email, Page 4 that's already been admitted
24 into evidence.

25 A Okay.

1 Q Where is Briggs's name? Is it on there
2 or I'm just missing it?

3 A Briggs's name is not on that email.

4 Q All right.

5 A Because I had already determined that we
6 didn't have the classroom training on Briggs.

7 Q Yeah, but did you give North
8 Atlantic notice that Briggs needed additional
9 classroom training?

10 A Actually, they knew because they sent me
11 the table with the blank space saying he didn't
12 have classroom training.

13 Q Did --

14 A Your --

15 Q Where's the email? Where's the notice?
16 Did you put it in the revocation notice? Was that
17 part of the reason why they were revoked?

18 A No, I did not put it in the revocation.

19 Q Was that the reason why they were
20 revoked, part of the reason why they were revoked?

21 A The reason I did the revocation is
22 because an individual working at a state facility
23 --

24 Q Right.

25 A -- was without firearms certification and

1 we had identified that there were other problems
2 with applications that were late, other people
3 without classroom training. We had -- actually, we
4 had another issue that arose where multiple
5 applications were sent in two months late. And,
6 therefore, we were not able to vet the guards
7 because the fingerprints had not arrived in the
8 building; yet, they were already out on post before
9 they were vetted.

10 Q Could you review Page 6 --

11 A Uh-huh.

12 Q -- 7, 8, 9 --

13 A Sure.

14 Q -- 10, 11 --

15 A Certainly.

16 Q -- 12, 13 --

17 A Yes.

18 Q -- and 14?

19 A Yes.

20 Q These are all firearms verification forms
21 that were sent to you by North Atlantic; isn't that
22 right?

23 A These are -- yeah, these look like forms
24 that they sent us via email.

25 MR. LONG:

1 I would ask that they all be offered into
2 evidence as Page 06 through 014.

3 A Uh-huh.

4 MR. CROUCH:

5 Can I have a minute to -- what pages,
6 Joe?

7 MR. LONG:

8 Yes, 6 through 14.

9 CHAIRWOMAN PIERRE:

10 Where's the numbers?

11 MR. LONG:

12 The numbers are on the bottom.

13 CHAIRWOMAN PIERRE:

14 On the bottom?

15 MR. LONG:

16 Yes.

17 MR. CROUCH:

18 I'm going to object. I don't think a
19 proper foundation has been laid for these
20 documents. I don't know their authenticity.
21 Only his company witnesses can lay the
22 foundation for this. I don't think Mr. Blache
23 can lay the foundation for the admissibility
24 of these documents.

25 MR. LONG:

1 Mr. Blache just admitted, your Honor,
2 that these are documents he received from
3 North Atlantic certifying that seven of the
4 nine guards did have the proper certification.

5 A That's not what I -- no, that's not what
6 I acknowledged. So if you're going to talk about
7 what I acknowledged, then let me state that.

8 MR. LONG:

9 Your Honor, I know that the witness is
10 not a lawyer, but he cannot talk while I'm
11 making an objection.

12 HEARING OFFICER MURRAY:

13 Mr. Blache, please limit your comments to
14 your testimony.

15 THE WITNESS:

16 Okay.

17 HEARING OFFICER MURRAY:

18 Mr. Long, I'm going to ask that you give
19 Mr. Blache time to review the documents, then
20 you will ask the questions to lay the
21 foundation and Mr. Crouch will object or not
22 object as he sees fit during the questioning
23 for the foundation.

24 MR. LONG:

25 Yes, your Honor.

1 BY MR. LONG:

2 Q Mr. Blache, have you had an opportunity
3 to look at Pages 6 through 14?

4 A I have.

5 Q Do you know what these documents are?

6 A These documents are copies of training
7 certification forms that I notice conspicuously do
8 not have our date stamp on them. So these are
9 forms that were completed, but I can't verify
10 without the date stamp that they were actually
11 submitted to us on the dates that they are supposed
12 to certify training for.

13 Q But my --

14 A I do recognize that these are copies of
15 documents that were submitted by North Atlantic to
16 us in response to the C and D.

17 Q And after you did your investigation, you
18 confirmed that all these documents are actually
19 authentic; correct?

20 A I would have to go through each one
21 individually and verify that, but I can tell you
22 that we were able to confirm that at least some of
23 them were, yes, in fact. I can't tell you it was
24 all of them because I don't have the database in
25 front of me and all the other materials I would

1 need to do that.

2 Q Right. But you've told us that they
3 were -- after you had done your investigation, only
4 three security guards stood out; correct?

5 A There were three armed guards without
6 proper classroom and/or certification --

7 Q Okay.

8 A -- that --

9 Q Now, Lands --

10 A -- laid the foundation.

11 Q Let's go to Lands -- and I would offer --
12 excuse me.

13 MR. LONG:

14 At this point, I would offer Pages 6
15 through 14 as evidence.

16 MR. CROUCH:

17 I mean I'm going to object to relevance.
18 These prove that certain employees were
19 properly certified. That's not at issue.

20 What's at issue is the employees that
21 were not properly certified. I'll object to
22 the relevance.

23 MR. LONG:

24 Your Honor, the proposed fine is \$9,500.
25 That's for a thousand dollars per violation.

1 HEARING OFFICER MURRAY:

2 I'm going to allow the documents in the
3 record over Mr. Crouch's objection, but his
4 objection is noted for the record at the
5 relevance of the documents, not that they are
6 not business records or not that they are
7 false, but that they are not relevant to the
8 proceeding.

9 MR. LONG:

10 Thank you, Judge.

11 MR. CROUCH:

12 Thank you, your Honor.

13 BY MR. LONG:

14 Q Direct your attention to Page 7, which is
15 Joshua Lands, that's one of the guards at issue
16 here, his firearms training verification.

17 A Uh-huh.

18 Q What was the weapon that he was initially
19 trained with with his initial firearms training; a
20 .38, right?

21 A A .38.

22 Q A .38?

23 A Yes.

24 Q And he certified on August 11th, 2017;
25 right?

1 A Uh-huh.

2 Q Now, who was the security company that he
3 was working for when he got his initial training?

4 A Rivers.

5 Q Rivers Security, not my client. Rivers
6 Security did his initial firearms training. And
7 then we know now that Rivers Security was your
8 confidential informant to tell you that this guy is
9 out of certification; isn't that right?

10 A Rivers is the individual who called.

11 Q Right. So how long after you contacted
12 North Atlantic and told them that Sears and Lands
13 needed refresher training, how long did it take for
14 them to get those two guards refresher training?

15 A I don't know on Lands. Actually, I don't
16 have that in front of me. It looks like it took
17 them until September 1st or August 31st to get
18 Sears training.

19 Q Okay. What about Lands, you don't know
20 when he got the training?

21 A I'll take a look and see if I can tell
22 you.

23 Q Was it August 15th, the next day?

24 A I don't know. It shows as August 15th,
25 yes, sir.

1 Q Correct, the next day. Within 24 hours
2 of getting notice, they got him trained up;
3 correct?

4 A Yes.

5 Q All right. But we know at eight to nine
6 o'clock, you were doing your inspection of Lands
7 when you were tipped off. By 12:44, you had
8 completed your investigation and sent off an email
9 that said there were eight more guards that needed
10 refresher training; right?

11 A No, sir. I got a table from the company
12 indicating gaps in training, and we were clarifying
13 what was or what was not missing.

14 Q Direct your attention to Page 4, your
15 email.

16 A Yeah. Right.

17 Q To clarify --

18 A It says to clarify.

19 Q -- Warren Boudreaux has not refreshed;
20 Joshua Lands has not refreshed, and Samuel Sears
21 has not refreshed.

22 A That's what --

23 Q Henry Hookfin is not yet refreshed.
24 Tawney Melancon shows no -- now -- I guess that's
25 no training -- shows now training, and I think

1 that's no training, shows no training in portal but
2 is standing an armed post with a 9 millimeter. You
3 found out that was wrong; right?

4 A They got the training from the other
5 companies one of them worked for.

6 Q Bruce Niles shows no classroom or
7 firearms training. Carl Trahan has no firearms
8 training in either system. And Brendell Wybel has
9 no firearms training in either system. And that
10 email was not accurate; correct?

11 A No, because I was basing my --

12 Q Right.

13 A -- question off of the table.

14 Q Right.

15 A Correct.

16 Q When you send off the proposed --

17 A That's correct.

18 Q -- the revocation and the proposed fines,
19 what was your proposed fine?

20 A The proposed fine was -- hold on. I have
21 that. The proposed fine was \$9,500.

22 Q I direct the Board's attention to Page 2,
23 the letter of revocation, proposed fine, 9,500.
24 What's the maximum amount you can fine for each
25 violation under your law?

1 A Five hundred dollars.

2 Q And yet, you're filing a \$9,500 fine?

3 A That's because there's other fines
4 contained in there.

5 Q Tell me what they are.

6 A So each time you have a lapse in
7 training --

8 Q Right.

9 A -- it's a \$500 fine for the lapse in
10 training and a \$500 fine for failing to submit the
11 verification.

12 Q All right.

13 A So that's a thousand dollars.

14 Q Yeah.

15 A So on each three of the firearms
16 instances, that's \$1,000.

17 Q So that's 3,000.

18 A The individual with the two classrooms
19 that were missing, that's a thousand dollars per
20 classroom training.

21 Q But you didn't -- you didn't -- you're
22 telling the Board here that this was regarding
23 three people.

24 A No. No, you're asking me about the fine
25 component of the letter.

1 Q You can't fine somebody if they're not in
2 violation; can you?

3 A Yes, I fined them for being in violation.

4 Q Okay. Continue.

5 A You're asking me about the fine.

6 Q Continue. So it's 3,000.

7 A And then we have multiple individuals
8 whose applications were two months late.

9 Q Okay.

10 A Those applications by themselves can
11 amount to upwards of \$3,000 per application. It's
12 a fine for the application. It's a fine for the
13 fee, et cetera. So we've got multiple applications
14 that were two months late.

15 We moved to the system in May 28th. We
16 received applications on people hired in May and
17 July. So there's fines related to those things
18 that came out of our investigation as well.

19 Q Page --

20 A So these fines are not just isolated to
21 that.

22 Q Yeah. Page 2, this is when you gave us
23 notice of why you were fining us, why you were
24 revoking our license. Page 2, on August 14th, the
25 Board conducted an inspection of a North Atlantic

1 security officer posted at a state building in
2 Louisiana. The guard in question was armed with a
3 .38 caliber for which he was not certified.

4 A Uh-huh.

5 Q The guard was not in possession of his
6 registration card and his certification for the
7 weapon he possessed expired August 11th. The Board
8 verified through additional review that an
9 additional eight guards operating in the state
10 without proper firearms certification and training.
11 Uncertified weapons are not covered by insurance
12 and represent a series of egregious violations.

13 This is what you told us in our notice of
14 revocation, that we had nine guards that were not
15 certified, not this stuff about all this other
16 stuff, late filing. You didn't say anything in
17 that revocation. You said nine guards in
18 violation.

19 A Uh-huh.

20 Q Now you've told the Board under oath
21 that's not true.

22 A What?

23 Q Yeah. You said it was three guards,
24 three guards. You don't say anything in here about
25 classroom training or anything like that. You say

1 nine guards, an additional eight guards are
2 operating in the state without proper firearms
3 certification.

4 A Correct. Uh-huh. Again, I just
5 mentioned the fact that we had multiple
6 applications that were not submitted to the Board
7 timely, the fingerprints didn't arrive here timely
8 where we hadn't had a chance to vet those guards.
9 So even if a guard has classroom training or a
10 firearms certification, they also have to have a
11 clear background. And we've talked about that in
12 the testimony as well.

13 Q Are you saying that these eight people on
14 Page 4 that you said to clarify, that they're all
15 needing refresher training or one of them needs
16 firearms training, you weren't talking about these
17 eight? You were talking about eight other people?

18 A I'm telling you that North Atlantic has a
19 variety of administrative problems with
20 paperwork --

21 Q Yeah.

22 A -- and submitting things timely to this
23 Board --

24 Q Yeah.

25 A -- that resulted in them even being

1 confused about who needed what and when. And
2 that's what precipitated this conversation and this
3 table that I've received which ask me -- which then
4 prompted me to ask them to clarify, what are you
5 showing me here, who needs what and where, how many
6 people are working on post, how many aren't.

7 Q Does anything in your notice of
8 revocation say that you have sloppy paperwork, that
9 you're late submitting documents to the Board, and
10 that's why I'm fining you? Is there anything in
11 that letter that says that?

12 A No.

13 Q Right. Next, an egregious violation, if
14 you're operating without an insurance policy,
15 that's an egregious violation; correct?

16 A Yes.

17 Q Okay. But North Atlantic had a valid
18 insurance at the time; correct?

19 A I believe they did.

20 Q All right. So it's all about your
21 definition of an unauthorized weapon; right?

22 A It's a statutory definition.

23 Q We went over that. I'm not going to
24 bother them with that.

25 A Right.

1 Q All right. What other remedies would you
2 have had with Joshua Lands other than revoking my
3 client's right to do business in this state and
4 giving them a cease and desist letter? What other
5 remedies could you have done as it relates to
6 Officer Lands short of the death penalty, revoking
7 their license?

8 MR. CROUCH:

9 I object.

10 BY MR. LONG:

11 Q I mean, they can't -- they can't work
12 here anymore; can they?

13 A I -- I do want to answer your question --

14 Q Yeah.

15 A -- but I want to make sure that I
16 understand it. You're asking me about Mr. Lands or
17 are you asking me about North Atlantic?

18 Q You said you found Mr. Lands --

19 A You said, what other remedy did you have
20 with respect to Mr. Lands.

21 Q When you found Lands --

22 A Yeah. Right.

23 Q -- what other remedy could you have done?

24 HEARING OFFICER MURRAY:

25 Mr. Long, excuse me. I'm going to ask

1 both attorneys and the witness to tone down
2 the animosity just a little.

3 MR. LONG:

4 Noted.

5 HEARING OFFICER MURRAY:

6 Thank you.

7 BY MR. LONG:

8 Q What other remedies could you have done?

9 A Okay. I'm back to trying to make sure I
10 understand the question so I can answer it. What
11 other remedy with respect to Mr. Lands --

12 Q Correct.

13 A -- on post that day? With respect to
14 Mr. Lands, it's the licensee's responsibility to
15 recertify the guard. So the action goes against
16 the licensee.

17 Q You could have ordered him off the
18 property as the Director; couldn't you have?

19 A That's a slippery slope. I don't -- I
20 can't necessarily order him off the property.

21 Q Could you have contacted North Atlantic
22 and had them order --

23 A The facility that was under security by
24 North Atlantic at that time is one of the
25 contractually mandated sites for an armed guard.

1 Q Right.

2 A Because of the issues with the protection
3 of life and property at that site, the prudent
4 thing for me to do would not necessarily have been
5 to order the guard immediately off the post, which
6 is what I did do in that instance.

7 Q Okay. Did you know that the provisions
8 of the contract allow the customer to order the
9 guard off the property if they want to?

10 A I'm certain it does.

11 Q Okay. And so if the state, who was the
12 customer in this situation, wanted him off the
13 property, they could have done so by their
14 contract; isn't that right?

15 A I'm sure they could have.

16 Q North Atlantic could have --

17 A I haven't seen their contract.

18 Q North Atlantic could have --

19 A They could have, but -- I'm sure they
20 could have.

21 Q North Atlantic could have replaced him
22 with another guard once they found notice that he
23 was three days late on his refresher training;
24 right?

25 A They could have. And so the question I

1 had for them in my phone call from Mr. Lands's
2 phone was why, when notified three weeks prior that
3 the certification was going to expire rather than
4 let it lapse, why was he now on post at a state
5 facility under a state contract an unauthorized
6 weapon.

7 Q You said that he called his employer and
8 asked about his refresher training; right?

9 A Yeah. He told me that he notified North
10 Atlantic three weeks prior to the expiration of his
11 firearms that he needed to refresh his firearms,
12 and that his instructions from North Atlantic,
13 whomever he spoke with were, don't worry about
14 that, just stand your post.

15 Q Who did he talk to at North Atlantic?

16 A I don't know who he spoke to.

17 Q Did you ask him who he talked to?

18 HEARING OFFICER MURRAY:

19 Mr. Long, just for the Board and my
20 clarification and the court reporter, are we
21 talking about a statement that Mr. Lands made
22 when we're saying he?

23 MR. LONG:

24 Yeah.

25 MR. BLACHE:

1 Mr. Lands.

2 HEARING OFFICER MURRAY:

3 Okay. Mr. Lands is the person --

4 MR. BLACHE:

5 Having a conversation with me on post at
6 the site while armed working for North
7 Atlantic.

8 HEARING OFFICER MURRAY:

9 Okay. On August 14th?

10 MR. BLACHE:

11 And expressed a concern that he had
12 notified his employer three weeks earlier that
13 he would expire, which would have been ample
14 time if they could get it done the next day on
15 the 15th, it would have been ample time three
16 weeks prior for them to put something in
17 action to get it done, including not send Mr.
18 Lands to the post with an unauthorized weapon.

19 BY MR. LONG:

20 Q Right. So you just got through saying
21 that he contacted his employer, he told them that
22 he needed training, and the employer told him don't
23 worry about it.

24 A That's what he told me when I inspected.

25 Q But we know now that he had two

1 employers; don't we?

2 A I think that's irrelevant. He was in a
3 North Atlantic uniform on a North Atlantic post
4 under North Atlantic's contract.

5 Q It's relevant that Ritchie Rivers told
6 him, don't worry about it, and then snitched him
7 out to you so that you could bust this company.

8 A That's not what Mr. Lands told me. Mr.
9 Lands told me when he called the office from his
10 phone --

11 MR. LONG:

12 I'm going to object.

13 A -- that he notified North Atlantic.

14 MR. LONG:

15 Mr. Rivers is going to tell us and
16 testify what he said.

17 A (Inaudible).

18 (MULTIPLE SPEAKERS SPEAKING)

19 MR. CROUCH:

20 Wait. Wait. Wait. You've got this man
21 under cross examination and you're going to
22 object to the answer that he just gave you?

23 MR. LONG:

24 As nonresponsive, yes.

25 MR. CROUCH:

1 Proper objection is to answer a
2 responsive.

3 MR. LONG:

4 I'm objecting to his response as
5 nonresponsive. I want to know.

6 BY MR. LONG:

7 Q You --

8 HEARING OFFICER MURRAY:

9 Wait. Stop. I'm going to ask the Board
10 to disregard the previous question and the
11 previous answer regarding what Mr. Rivers may
12 or may not have said because he's here and he
13 can answer those questions on direct or cross
14 examination.

15 However -- because even for me, it's
16 getting extremely convoluted in terms of the
17 chronology of who talked to who over the phone
18 or in person at the site or the day before.
19 I'm going to ask you in your question and in
20 your answer to reference --

21 MR. LONG:

22 Names.

23 HEARING OFFICER MURRAY:

24 -- proper names and not pronouns; he
25 said, called, however you want to do it to

1 make sure we understand who was speaking,
2 whether on the phone or in person, about which
3 thing.

4 MR. CROUCH:

5 I've been lost in the pronouns too.

6 HEARING OFFICER MURRAY:

7 Thank you.

8 MR. LONG:

9 I think that's a good idea.

10 BY MR. LONG:

11 Q Mr. Rivers notified you that Lands was
12 out of certification. When did he notify you?

13 A I believe it was on the -- I believe it
14 was on the 13th.

15 Q Was that a Monday or do you know?

16 A I don't remember.

17 Q I believe August 14th fell on a Tuesday?

18 A Yeah. I don't remember exactly. I'd
19 have to look at a calendar. Let's see, I believe
20 it was the 13th.

21 Q Can you look up on Rivers Security and
22 see if Joshua Lands was standing an armed post
23 while working for them --

24 A I wouldn't --

25 Q -- on your information?

1 A I wouldn't have that type of information.

2 Q Do you --

3 A I don't have any information that tells
4 me where every guard is posted in the State of
5 Louisiana.

6 Q Okay. All right. Had you ever
7 previously cited someone for not having a
8 registered weapon?

9 A North Atlantic.

10 Q Had you ever cited anybody else in your
11 duties as the Director for having an unregistered
12 weapon?

13 A Unregistered, yes. I took a company
14 license from a company last -- earlier of this --
15 last year, late last year.

16 Q What was the name of that company?

17 A Delta Tactical.

18 Q Delta Tactical. And what was the
19 violation?

20 A Same violation.

21 Q What is the violation? Say it.

22 A Not registered -- not certified with a
23 weapon, and in some cases, not registered or
24 certified.

25 Q Okay.

1 A And no classroom training.

2 Q Okay. What were the facts on that?

3 A They were posting guards at private and
4 public places, parking lots, retail establishments,
5 bars in and about the LSU area, and the individuals
6 that they were posting were carrying weapons that
7 were, by definition, the right type; but by
8 certification and registration, which they did not
9 have, unauthorized, they were not authorized to be
10 there.

11 So they were cited with Chapter 601 of
12 Title 46, Part LIX, which is the same exact title
13 that's cited in the revocation of North Atlantic.

14 MR. LONG:

15 Excuse me. The Board -- I'm sorry. I
16 was handed this this morning. I have not had
17 an opportunity to review it. It's the
18 defendant -- the State has given me these
19 documents this morning.

20 MR. CROUCH:

21 Madam Chairman, while he's reviewing
22 that, could we take a bathroom break, please?

23 CHAIRWOMAN PIERRE:

24 Yes, we can. Is that okay with everyone?

25 HEARING OFFICER MURRAY:

1 Yes.

2 CHAIRWOMAN PIERRE:

3 We are going off the record again for
4 a -- we're going to have a 10-minute break
5 here. Will that give you enough time?

6 While we're breaking for a bathroom
7 break, why don't we take a break for -- a
8 20-minute break and you guys can have lunch or
9 whatever you guys would like to do?

10 MR. LONG:

11 Okay. What time will we reconvene, Madam
12 Chairman?

13 CHAIRWOMAN PIERRE:

14 What time is it now? It's 12:15. It's
15 12:15.

16 MR. LONG:

17 How about 12 -- what time would be good
18 for you?

19 CHAIRWOMAN PIERRE:

20 We could be back for 12:45.

21 MR. LONG:

22 Okay. Thank you.

23 (A BRIEF RECESS WAS TAKEN IN THE
24 PROCEEDINGS.)

25 CHAIRWOMAN PIERRE:

1 The Board of Louisiana Board of Private
2 Security Examiners is now in session.

3 MR. CROUCH:

4 We have a quorum.

5 CHAIRWOMAN PIERRE:

6 I have a question before we proceed. I
7 guess this is going to be to Madam Referee.
8 How much longer do we think this is going
9 to -- the cross examinations or the
10 examinations are going to take? Some of the
11 Board members are going to have to leave. Do
12 we think we can be finished around 2:00?

13 MR. LONG:

14 Yes.

15 HEARING OFFICER MURRAY:

16 Mr. Crouch and Mr. Long, my understanding
17 is we have Board members that would like to or
18 have to get out of here by two, and you're
19 going to be in danger of not having a majority
20 of the vote on this license today. We're
21 already at the point where everything after
22 this is going to have to be moved to the
23 December meeting.

24 CHAIRWOMAN PIERRE:

25 Right.

1 MR. CROUCH:

2 That is correct.

3 HEARING OFFICER MURRAY:

4 So if we could be as expedient as
5 possible so that you can get a vote today?

6 MR. CROUCH:

7 I --

8 HEARING OFFICER MURRAY:

9 We'd really appreciate it.

10 MR. CROUCH:

11 I don't anticipate having to put Fabian
12 back on. But I, of course, will want to cross
13 examine his witness.

14 HEARING OFFICER MURRAY:

15 Okay.

16 MR. CROUCH:

17 And I -- I'm a lawyer. I can't guarantee
18 how long that's going to take.

19 CHAIRWOMAN PIERRE:

20 I make a motion for the Board's purposes,
21 I make a motion that we move everything else
22 on the agenda until our December meeting. Do
23 I get a second?

24 MR. ROBINSON:

25 Second.

1 CHAIRWOMAN PIERRE:

2 It's been moved and seconded. Everything
3 will be moved to the December agenda.

4 MR. CROUCH:

5 And I say this before we go back on the
6 record, I've seen it many times over the
7 years, and I know nobody wants to do this,
8 including me, but you can always leave a
9 hearing open and conclude it at another time.
10 I've had Civil Service meetings lay over for a
11 year before we got back to concluding it.

12 CHAIRWOMAN PIERRE:

13 If it gets to that point, Ron, we may
14 have to do that. If some of the Board members
15 have to leave and we do not have a quorum,
16 then we'll have to look at that option.

17 MR. CROUCH:

18 I got it.

19 CHAIRWOMAN PIERRE:

20 They're trying to stay.

21 MR. CROUCH:

22 I realize these people are from out of
23 state and I appreciate that, Madam Chairman.

24 CHAIRWOMAN PIERRE:

25 Some of our Board members have traveled

1 all the way from Alexandria.

2 MR. CROUCH:

3 I understand. I do understand.

4 MR. LONG:

5 Madam Chairwoman, are the other members
6 going to -- should we wait on other members or
7 not?

8 CHAIRWOMAN PIERRE:

9 We'll just --

10 MS. FINCHUM:

11 He took a phone call.

12 CHAIRWOMAN PIERRE:

13 Misty, you want to --

14 MS. FINCHUM:

15 Durell took a call.

16 MR. CROUCH:

17 Oh, yeah. Before we go on the record,
18 let's get everybody.

19 (A BRIEF RECESS WAS TAKEN IN THE
20 PROCEEDINGS.)

21 CHAIRWOMAN PIERRE:

22 Okay. We're back in session, guys.
23 We're back on the record.

24 MR. LONG:

25 All right. Thank you, your Honor.

1 BY MR. LONG:

2 Q Mr. Blache, you had talked about Delta
3 Tactical being revoked because they had some issues
4 with their weapons; is that correct?

5 A Yes.

6 Q And I would refer to the Board to The
7 Advocate April 9, 2018 article that quoted you as
8 saying, that the guards were acting like cops; that
9 they had handcuffed a customer and they were
10 roughing him up and shining a light in his face.

11 A Yeah, that's in reference to a particular
12 observation that was made on the day of -- one of
13 the two days of inspection.

14 Q You would agree that that kind of
15 activity is not what we're really talking about in
16 the North Atlantic case; right? It's different?

17 A We're not talking about that.

18 Q Right. Different. Okay. You revoked my
19 client's license on August 14th, 2018. I would
20 defer to, I believe, Page 1 of the document, the
21 revocation?

22 A Uh-huh.

23 Q If you look at Page 88, it gives you
24 Revised Statute 37:3289. I'd ask if you could read
25 that and identify it? Just read it to yourself and

1 identify it.

2 Is that the statute that you're familiar
3 with?

4 A Yes.

5 MR. LONG:

6 All right. I would ask that Page 88 be
7 entered into the record as causes for
8 non-issuance, suspension, revocation, or
9 restrictions.

10 MR. CROUCH:

11 Eighty-eight?

12 MR. LONG:

13 Yeah, Number 88, please.

14 BY MR. LONG:

15 Q All right. Turning your attention to C,
16 the concurrence requirement before a license can be
17 revoked.

18 A Uh-huh.

19 Q It requires four concurring votes of the
20 Board before you can revoke a license. Did you get
21 four concurring votes before you revoked North
22 Atlantic's license?

23 A No.

24 Q What authority did you rely upon to
25 unilaterally revoke my client's license without a

1 meeting of the Board?

2 A Chapter 601 of Part LIX of Title 46 of
3 the rules.

4 Q Look at Page 2 in the packet and you
5 cited that in your letter of revocation; is that
6 correct?

7 A Correct.

8 Q Read that to the Board, please.

9 A Page 2, yes, before revoking or
10 suspending a license or registration card or
11 imposing fines or costs over \$500, the Board will
12 afford the applicant an opportunity for a hearing
13 after reasonable notice of not less than 15 days,
14 except in the case of failure to maintain the
15 required insurance or when a registrant is found
16 carrying an unauthorized weapon while performing
17 the duties of a security officer.

18 Q Does anywhere in 601a say that it
19 dispenses with the concurrence requirement that the
20 Board must vote at least four votes to revoke a
21 license?

22 What that does is say, you don't get a
23 hearing in the case of an unauthorized weapon. It
24 doesn't say you dispense with the voting
25 requirement of the Board; does it?

1 A It says that you don't get a hearing
2 before the action is taken.

3 Q Correct. But you can have a special
4 meeting and call the Board in, tell them what you
5 found out, and they can file a revocation with four
6 concurrent votes; correct?

7 A That is potentially an option based upon
8 certain variables pursuant to the statute.

9 Q Show me in the law where it says that you
10 can unilaterally act without the vote of the Board.

11 A It says that I am the Chief
12 Administrative Officer of the Board and that in
13 Chapter 601, a revocation or suspension for two
14 specific purposes can be issued prior to a hearing.

15 Q Right, prior to a hearing, but not prior
16 to a vote. The voting concurrence is found on Page
17 88 where it says the Board gets to hear what you
18 have and they have to vote to revoke a license.
19 They revoke licenses. You don't revoke licenses.
20 You investigate. You give your evidence to the
21 Board. They vote.

22 A If you look at -- and if you look at
23 Chapter 601, it also mentions that they can request
24 a hearing in writing that comes after the action.

25 Q Again, the hearing is --

1 MR. CROUCH:

2 Wait. Wait. Wait. I need to object. I
3 don't want to delay this. I'm not trying to
4 be an instructionist, but I would ask counsel
5 to please ask a question rather than
6 testifying. It's okay to phrase his testimony
7 as a question, but he phrases it as a
8 statement. And I would object to that form of
9 questioning.

10 HEARING OFFICER MURRAY:

11 Right.

12 MR. LONG:

13 I'll rephrase it to a form of a question.

14 HEARING OFFICER MURRAY:

15 Make your questions interrogatory.

16 MR. LONG:

17 Right.

18 HEARING OFFICER MURRAY:

19 Make your statements.

20 BY MR. LONG:

21 Q True or false, four concurring votes of
22 the Board shall be required for the revocation of
23 any license, period? That's the law; right?

24 A That's what it says.

25 Q It doesn't say Fabian Blache gets to

1 unilaterally suspend or revoke people's licenses
2 without four votes of the Board; isn't that right?

3 A That's what C says.

4 Q Okay. And you admit that you did not
5 have four votes from the Board to revoke North
6 Atlantic's license; isn't that right?

7 A Because I didn't revoke the license
8 pursuant to 3289.

9 Q Did you revoke their license?

10 A Yes, pursuant to Chapter 601 of the
11 rules.

12 Q 601. 601a on Page 2 --

13 A Uh-huh.

14 Q -- says before revoking or suspending a
15 license or imposing fines, the Board will afford
16 the applicant an opportunity for a hearing, except
17 in two circumstances. That's the hearing
18 requirement. That's not the concurrence
19 requirement.

20 The concurrence requirement is found on
21 Page 88 and says that this Board that was appointed
22 by the Governor of Louisiana, they decide who gets
23 revoked. You disagree with that?

24 A I'm not disagreeing with anything.

25 Q Do you believe that 37:3289C is still

1 valid Louisiana law?

2 A It's in our statute, yes.

3 Q Right. And you didn't get the permission
4 of the Board; you didn't get the votes of the Board
5 as required by law before you acted against North
6 Atlantic; did you?

7 A The purpose of the statute and the rule
8 is not to impede the regulation of this industry.
9 The purpose of the statute in the rule is to allow
10 for the regulation of the industry. And that is
11 why it is the only instance, those two, in which a
12 license can be suspended or revoked without having
13 to necessarily convene the Board.

14 The Board convenes after a request for a
15 hearing is granted. And then they make the
16 terminal decision as to whether or not the
17 suspension or revocation is sustained.

18 Q Where is that in the law? I just read
19 you the applicable law. The Board has it in front
20 of them.

21 Where are you pulling that out of?

22 A From Chapter 6.

23 CHAIRWOMAN PIERRE:

24 Ron?

25 MR. CROUCH:

1 I'm sorry.

2 CHAIRWOMAN PIERRE:

3 Can you take a look at this since we're
4 talking about this?

5 MR. CROUCH:

6 I'm sorry. Tell me what page.

7 CHAIRWOMAN PIERRE:

8 Well, it's in the rules.

9 BY MR. LONG:

10 Q As you revoked --

11 MR. CROUCH:

12 Tell me what section.

13 CHAIRWOMAN PIERRE:

14 46.

15 MR. CROUCH:

16 Just a second.

17 HEARING OFFICER MURRAY:

18 Excuse me Mr. Long and Mr. Crouch, the
19 Board Chairman has asked me to look at Section
20 103, Title 46 Part LIX, Section 103H regarding
21 the duties of the Executive Secretary of the
22 Board.

23 CHAIRWOMAN PIERRE:

24 Right.

25 HEARING OFFICER MURRAY:

1 And this is in conjunction with the cross
2 examination?

3 CHAIRWOMAN PIERRE:

4 Yeah.

5 HEARING OFFICER MURRAY:

6 Regarding the duties of the Executive
7 Officer of the Private Security Board, which
8 --

9 MR. LONG:

10 So the document has -- the document says
11 that the Executive Director has the right to
12 issue a cease and desist order, but it does
13 not say that he may unilaterally revoke a
14 license.

15 HEARING OFFICER MURRAY:

16 Mr. Long, for the purposes of this
17 particular issue, I think you've made your
18 point on the record that there is a difference
19 in your argument between the provisions of the
20 statute, the provisions of the rule, and the
21 witness's application of either in respect to
22 his official duties, but I think it's been
23 asked and answered that he did --

24 MR. LONG:

25 I'll move on.

1 HEARING OFFICER MURRAY:

2 Okay.

3 BY MR. LONG:

4 Q All right. And you said previously under
5 oath that you did not notify the state about the
6 revocation; is that correct?

7 A The state contacted us when the site
8 started notifying them that North Atlantic was no
9 longer going to be able to provide security
10 services for --

11 HEARING OFFICER MURRAY:

12 Mr. Long, just for clarification, are we
13 talking about DCFS when you say the state?

14 MR. LONG:

15 We're talking about the State of
16 Louisiana has a contract with North
17 Atlantic -- well, they did up until
18 August 31st.

19 HEARING OFFICER MURRAY:

20 Okay.

21 MR. LONG:

22 One of those buildings was the site that
23 he inspected.

24 HEARING OFFICER MURRAY:

25 Which is the DCFS building?

1 MR. LONG:

2 Right.

3 HEARING OFFICER MURRAY:

4 Okay.

5 MR. LONG:

6 But there's 19 other buildings that they
7 were providing security for.

8 HEARING OFFICER MURRAY:

9 Okay.

10 BY MR. LONG:

11 Q And now true or false, okay, did you
12 notify the State of Louisiana that North Atlantic's
13 license, you issued a cease and desist and that you
14 would revoke their license?

15 A When they contacted us, yes, I did notify
16 them.

17 Q So your sworn testimony is they called
18 you, and then you told them what happened?

19 A We issued the C and D and then we began
20 dispersing what are known as notices of nonuse.

21 Q What is that?

22 A It's a notice that goes to someone who is
23 using the services of a company who is either
24 suspended or revoked or not licensed in the first
25 place.

1 Q And how does that look? That looks a lot
2 like Page 1 and Page 2; correct? Cease and desist
3 order --

4 A No, it's actually --

5 Q -- Page 1 and Page 2, notice of
6 revocation?

7 A Actually, it's a different document that
8 simply notifies the user of the services that the
9 company in question was either not licensed or has
10 been revoked or suspended and they have a 72-hour
11 span of time in which to cease doing business at
12 the site so that the consumer of the product can
13 then have an opportunity to find another provider.

14 Q So you did tell the State of Louisiana
15 that you had revoked North Atlantic's license;
16 right?

17 A There are sites that North Atlantic had
18 that are other than the State of Louisiana sites.
19 They have --

20 Q You don't have authority other than
21 Louisiana; do you?

22 A I have authority over across the entire
23 state and all parishes.

24 Q Right. But you told the State of
25 Louisiana that their license to operate in

1 Louisiana had been revoked; correct?

2 A When the State of Louisiana contacted
3 the -- the Procurement Office contacted us because
4 they had become aware that North Atlantic's license
5 had been issued a C and D and --

6 Q How would they become aware of that?

7 A Because the sites like Terrebonne Parish
8 Courthouse or whatever the sites were were
9 receiving the notices of nonuse from us.

10 Q Okay.

11 A And they contacted the state who they got
12 the contract through to find out what their next
13 steps were in ensuring that they still had
14 continuous coverage at their sites.

15 Q Okay. So you sent a notice of nonuse to
16 the state?

17 A Yes, we were sending the notices of
18 nonuse to different entities that use the services,
19 including local parish clients. They in turn
20 contacted State Procurement. State Procurement
21 reached out to us to find out what the status was
22 with the license.

23 MR. LONG:

24 All right. One moment while I confer?

25 A Uh-huh.

1 MR. LONG:

2 Thank you. Please answer any questions
3 Mr. Crouch may have for you.

4 BY MR. CROUCH:

5 Q Just a few questions --

6 A Sure.

7 Q -- on Section 105 --

8 A Yes.

9 Q -- H, The Board shall appoint an
10 Executive Secretary to serve as Chief
11 Administrative Officer. Executive Secretary serves
12 the players of the Board, blah, blah, blah, acts as
13 the Board's recording correspondence these
14 articulated duties or any other duties as directed
15 by --

16 MR. LONG:

17 Objection. Is there any question here?

18 MR. CROUCH:

19 Yeah, there is. Yeah.

20 MR. LONG:

21 Okay.

22 BY MR. CROUCH:

23 Q Has the Board ever in your experience
24 here restricted your duties to say, oh, no, no, no,
25 you can't do that; you've got to call us and get

1 with members before you do this?

2 A No.

3 Q Okay. Is it pretty clear to your
4 employer that that's what you do?

5 A Yes.

6 Q Okay. Your authority to revoke that you
7 see in 601 --

8 A Yes.

9 Q -- has that ever been used before?

10 A Yes.

11 Q Did the Board as a result of that
12 utilization ever say, stop doing that?

13 A No.

14 Q So you operate at the direction, approval
15 of your boss, the Board?

16 A Yes.

17 Q You're the point of the spear, so to
18 speak?

19 A Yes.

20 MR. CROUCH:

21 No further questions.

22 MR. LONG:

23 Subject to calling in my Case in Chief,
24 your Honor, I have no further questions for
25 this witness.

1 I would ask that the sequestration order
2 remain in effect.

3 HEARING OFFICER MURRAY:

4 For the other witnesses.

5 MR. LONG:

6 For this witness here.

7 MR. CROUCH:

8 He's not sequestered. He's a --

9 MR. LONG:

10 Oh, he's the case agent. I withdraw my
11 objection.

12 HEARING OFFICER MURRAY:

13 Are we ready for Mr. Rivers now?

14 MR. LONG:

15 It's still his case, your Honor.

16 MR. CROUCH:

17 No, we rested.

18 MR. LONG:

19 Okay. Well, then we'll call Mr. Rivers.

20 HEARING OFFICER MURRAY:

21 Okay. When Mr. Rivers comes in, let's
22 make sure on the record that we've declared
23 that he's a member of this Board, he's been
24 present for the first half of this testimony
25 prior to him being excluded; that he has in

1 his possession and has seen the exhibits and
2 is aware of all of the testimony prior to his
3 sequestration.

4 MR. LONG:

5 Yes.

6 HEARING OFFICER MURRAY:

7 Okay. And that although he is a member
8 of this Board, he's not voting on this
9 particular license.

10 MR. LONG:

11 Yes.

12 HEARING OFFICER MURRAY:

13 We all understand that?

14 MR. LONG:

15 Yes.

16 HEARING OFFICER MURRAY:

17 Okay. Bring him in. He's already been
18 sworn.

19 MR. CROUCH:

20 Board Members, you've deferred everything
21 that's on today's agenda, but we still have to
22 have that brief executive session.

23 CHAIRWOMAN PIERRE:

24 Executive session.

25 MR. CROUCH:

1 Thank you.

2 CHAIRWOMAN PIERRE:

3 So noted.

4 MR. CROUCH:

5 It won't take long. Of course, that's
6 coming from a lawyer.

7 CHAIRWOMAN PIERRE:

8 That's what you said yesterday.

9 CROSS EXAMINATION OF RITCHIE RIVERS

10 BY MR. LONG:

11 Q Please give your name and address for the
12 record.

13 A Ritchie Rivers, 20088 Highway 16, Amite,
14 Louisiana 70422.

15 Q And what is your occupation?

16 A I own Rivers Security.

17 Q How long have you had Rivers Security?

18 A Approximately, 20 years.

19 Q All right. Directing your attention to
20 -- I'm going to give you the same document that I
21 gave the previous witness. And I want to direct
22 your attention to a firearms certification form,
23 which is --

24 A Let me grab my glasses.

25 Q Yes, sir. Go ahead. Let me direct your

1 attention to Page 7 of the packet, a firearms
2 training verification form of a Joshua Lands.
3 Joshua Lands was an employee of Rivers Security at
4 the time on August 11th, 2017; correct?

5 A Yes, sir.

6 Q At the time that of August 14th, the time
7 of the violation here, he was also an employee of
8 Rivers Security; correct?

9 A He worked part time for us, correct.

10 Q He was an employee; correct?

11 A Yes, sir, part time.

12 Q So you had records of his weapons
13 certification; correct?

14 A Yes.

15 MR. CROUCH:

16 Wait. Wait. Wait. One moment. Has he
17 been declared a hostile witness? You're cross
18 examining him. And if he's a hostile witness,
19 you can cross examine. Is that what you're
20 doing, Joe?

21 MR. LONG:

22 Well, obviously, I will ask the Hearing
23 Officer to allow me to lead him as a hostile
24 witness as he is a confidential informant for
25 the Board's reason why they fined and revoked

1 my client's license.

2 MR. CROUCH:

3 Okay.

4 MR. LONG:

5 He is aligned with an adverse party. He
6 is a hostile witness.

7 MR. CROUCH:

8 I gotcha.

9 HEARING OFFICER MURRAY:

10 For this hearing, Mr. Rivers is a hostile
11 witness.

12 BY MR. LONG:

13 Q All right. And so you had his firearms
14 certification records; correct?

15 A We had them in our office, correct.

16 Q And as a employer of a security company,
17 you have a duty to make sure, if he's on an armed
18 post, that he is certified with that weapon;
19 correct?

20 A That's correct.

21 Q Was he on an armed post when he worked
22 for you part time?

23 A Sometimes he was. Sometimes he wasn't.

24 Q On August 14th of 2018, was he working an
25 armed post for you?

1 A I don't know. I couldn't answer that
2 question without looking at our schedule.

3 Q How many employees did you have?

4 A We have a couple of hundred employees.

5 Q Okay. How many in your staff, not
6 guards?

7 A Eight to ten.

8 Q Eight to ten. So you knew that Mr. Lands
9 was out of certification and he was your employee;
10 correct?

11 A I knew Mr. Lands's certification was
12 expiring.

13 Q Right.

14 A And I know we did not work him after it
15 was expired in an armed position.

16 Q Okay. So if August 14th fell on a
17 Tuesday; correct?

18 A I'm not sure.

19 Q All right. We'll just represent to you
20 that it was on a Tuesday, August 14th, 2018.

21 A Okay.

22 Q And August 11th was the last day he was
23 certified with his weapon; right, from refresher
24 training?

25 A According to this, he trained on --

1 Q Right. So if we back off the 13th, the
2 12th, and 11th, that would have been on a weekend;
3 right?

4 A Yes.

5 Q Your employees don't work on the
6 weekends; do they?

7 A We have employees who work on weekends.

8 Q Do you know if Lands was working on the
9 weekend?

10 A I don't know.

11 Q So on August 10th, which was a Friday,
12 you made no effort to get his weapons certification
13 up to date; did you?

14 A No, he wasn't expired if he was working
15 for us.

16 Q How long does it take to get scheduled
17 for refresher training?

18 A I have an in-house firearms instructor.
19 It doesn't take very long.

20 Q So within a day or two, you can get them
21 certified?

22 A I can get it done the same day, if need
23 be.

24 Q Okay. But on August 10th, the day before
25 he expired, you made no effort to get him

1 certified; did you?

2 A I had no reason to.

3 Q He was an armed guard for you on
4 August 11th, 2017; right?

5 A On August 11th?

6 Q Yeah.

7 A I'm not sure if he worked or not.

8 Q But I'm saying --

9 A He was working for our company.

10 Q On 2017, you sent him to go get firearms
11 training; right?

12 A Yes.

13 Q So, obviously, he was going to work an
14 armed post; right?

15 A Yes, sir. We -- that's why we certified
16 him, to work an armed post.

17 Q So on August 10th, he's still your
18 employee and you --

19 A August 10th of '17?

20 Q Of '18.

21 A Uh-huh.

22 Q That's 364 days after he got his
23 training.

24 A That's correct.

25 Q Did you contact your instructor to get

1 him refresher training?

2 MR. CROUCH:

3 Let me object, your Honor. This line of
4 questioning has nothing to do with whether or
5 not the employee, that his certification
6 resulted in this revocation was working for
7 Mr. Rivers. He was not on that day. He was
8 working for the company whose license is
9 revoked.

10 So this testimony about whether or not
11 Mr. Rivers got his certification up or not and
12 before all of this happened is irrelevant.

13 MR. LONG:

14 Okay. It goes to bias, Judge. It goes
15 to this witness's bias against North Atlantic,
16 that he had the same employee, he had the same
17 duty to get him refresher training. He did
18 nothing, and then he told the Director that
19 Mr. Lands was uncertified.

20 And he is the reason we are here today.
21 So his motive is relevant.

22 MR. CROUCH:

23 I --

24 HEARING OFFICER MURRAY:

25 I'm going to sustain Mr. Crouch's

1 objection.

2 Mr. Long, I'm going to ask you to, with
3 the questions you already have on the record,
4 move on, if where you're going is whose
5 responsibility is it to make sure the
6 certification is updated. That's where we're
7 headed.

8 MR. CROUCH:

9 And one final comment, your Honor. If
10 his purpose of the testimony is to show bias,
11 lay the foundation for that biased testimony,
12 your Honor.

13 BY MR. LONG:

14 Q Mr. Rivers, did you have the security
15 contract for any of these state buildings before
16 North Atlantic took over the contracts?

17 A I had several state contracts.

18 Q With the same buildings that North
19 Atlantic had taken?

20 A Possibly some of them. I mean, I don't
21 go over them every day.

22 Q Right. So they were the low bidder and
23 they had outbid you for this business; isn't that
24 right?

25 A I think the contract that you're talking

1 about, we had served our three years there. So we
2 didn't have the opportunity to bid that. We were
3 out.

4 Q Why did you not have an opportunity to
5 bid it?

6 A There was a bid placed earlier, I think,
7 with statewide contracts where the agency did not
8 have to go out for rebid. It was a contract that
9 covered different state agencies. And that's the
10 contract that he had.

11 Q Were you precluded from issuing a bid on
12 the statewide contract?

13 A I didn't bid that contract. No, I
14 didn't.

15 Q No, you -- right. But you weren't
16 precluded from it; were you?

17 A I could have if I'd like, but I did not.

18 Q Correct. But you had lost business to
19 North Atlantic; correct?

20 A No. No, sir, I hadn't. I lost business
21 because the end of my three years was up with the
22 contract.

23 Q Okay. Tell me about when you met with
24 Mr. Blache and told him about this guard being out
25 of certification.

1 A It was a phone call. My supervisor
2 called and said that he said received a call for
3 Mr. Lands, who said he's contacted North Atlantic
4 and told him his firearms training was expiring.

5 Q You're telling me you talked to a guy who
6 talked to Mr. Lands?

7 A Yeah, that's --

8 Q Third --

9 A -- exactly --

10 Q Third-hand hearsay?

11 A My supervisor received a call from
12 Mr. Lands.

13 Q Who is your supervisor?

14 A Thor Plumee.

15 Q Spell it please.

16 A T-h-o-r P-l-u-m-e-e.

17 Q All right. And you're saying that
18 Mr. Plumee relayed a conversation that --

19 A He received a call from Mr. Lands --

20 Q Right.

21 A -- who stated that his firearms training
22 was going to be expiring.

23 Q When was that call?

24 A I don't recall the date, some time before
25 his training expired.

1 Q Was it three weeks before the training
2 expired?

3 A I wouldn't think it was that long. I'd
4 say a week or so.

5 Q Who pays --

6 A I'm not sure.

7 Q Who pays for the firearms training?

8 A We pay up front for our guards.

9 Q Right. So he calls his supervisor and
10 says, my firearms registration is up?

11 A And my exact words to my supervisor
12 before he worked an armed post for us, make sure
13 he's trained with a firearm.

14 Q Okay. So you just said, make sure he's
15 not on an armed post unless he's certified?

16 A Make sure he's trained for an armed post.

17 Q Okay. And what would you expect your
18 supervisor to do when a guard calls him up and
19 says, I need refresher training? What do --

20 A He would look at his dates. He would
21 look at our schedule and see when he works and see
22 if he can get him trained before he worked a post.

23 Q To your knowledge, did Thor Plume try to
24 do that?

25 A I -- from -- from best of my

1 recollection, I think he had him scheduled for a
2 class on that Friday.

3 Q And what happened?

4 A I think you all trained him before then.

5 Q Are we talking about August 10th of 2018?

6 A I'm not sure of the date, but it -- I
7 think you all had him trained on the 15th?

8 Q Yes.

9 A What day was that?

10 Q The 15th was a Wednesday.

11 A We had him scheduled for a Friday.

12 Q The next Friday?

13 A That same week on Friday.

14 Q Okay. But in the meantime, did you tell
15 Mr. Blache all that information that you knew that
16 he was expired and that you had plans to get him
17 retrained?

18 A When I received a call, and as a Board
19 member, that a guard has -- he told Mr. Plume that
20 he called North Atlantic, and they told him to go
21 to work anyway whether he was trained or not, then
22 I think that's my responsibility as a Board member
23 to pick up the phone and call Mr. Blache and give
24 him that information.

25 Q You don't know if Mr. Lands actually

1 called North Atlantic or not; do you?

2 A Oh, I couldn't tell you. I can only tell
3 you what he said to my supervisor.

4 Q You can't tell me that either because you
5 didn't hear what he said to your supervisor; right?

6 A I trust my supervisor.

7 Q Right. You trust your supervisor told
8 you what Lands told you that he actually called.
9 But in the end, none of those people except Lands
10 knows the truth; right?

11 A I think we all know he went to work on
12 Monday and he wasn't trained to have a gun.

13 Q Right. But now, we know why the Director
14 knew that Lands was three days out of
15 certification.

16 MR. LONG:

17 No further questions.

18 DIRECT EXAMINATION OF RITCHIE RIVERS

19 BY MR. CROUCH:

20 Q Mr. Rivers, just one question. You are a
21 member of this Board; correct?

22 A That's correct.

23 Q And when you discover behavior that you
24 know to be in violation of the law or the rules,
25 don't you have a duty to report that to the

1 Executive Director for investigation?

2 A That's exactly what I just said and
3 that's exactly what I done.

4 MR. CROUCH:

5 Gotcha. No further questions.

6 RE-CROSS EXAMINATION OF RITCHIE RIVERS

7 BY MR. LONG:

8 Q And the requirement is that it be in
9 writing and you sign it so that we can get it. It
10 can't be anonymous; isn't that right?

11 A I wouldn't say it was anonymous at all.
12 I picked up the phone. He knew exactly who he was
13 talking to.

14 Q But the law requires you to --

15 A You said no further questions. Okay.
16 Are we back in questions or are we done with
17 questions?

18 Q No, this is rebuttal. Please sit down.

19 A Okay.

20 Q Okay.

21 MR. CROUCH:

22 It's actually redirect.

23 MR. LONG:

24 Yeah, it's redirect. Thank you.

25 MR. CROUCH:

1 Okay.

2 BY MR. LONG:

3 Q All right. The point is, you're an
4 officer of this Board. You're sworn to uphold
5 these laws. And these laws require you to put your
6 complaint in writing so that we know who our
7 accuser is; right?

8 A Okay.

9 Q And you didn't do that; did you?

10 A As I told you, I called Mr. Blache.

11 MR. LONG:

12 Thank you. Nothing further.

13 MR. CROUCH:

14 Nothing.

15 HEARING OFFICER MURRAY:

16 Mr. Rivers, I have one question. Is
17 Mr. Lands still employed part-time by your
18 company?

19 A Not to my knowledge. I'm -- well, I
20 don't know. I can't answer that question honestly.

21 HEARING OFFICER MURRAY:

22 Okay. That's -- I just wanted to know.

23 MR. LONG:

24 That's it, sir. I would remove any
25 sequestration order on Mr. Rivers and I would

1 have no objection to him attending the rest of
2 the hearing.

3 HEARING OFFICER MURRAY:

4 Mr. Rivers, you may resume your seat, but
5 you won't be able to vote as we discussed
6 before.

7 MR. LONG:

8 Carli Mateer, please?

9 DIRECT EXAMINATION OF CARLI MATIER

10 BY MR. LONG:

11 Q Ms. Mateer, quickly, could you tell --
12 you were already sworn. Could you tell the Board
13 your name and what you do for a living?

14 A My name is Carli Mateer. I am the Office
15 Manager at North Atlantic Security.

16 Q All right. And so you have been
17 intimately familiar with all these interactions
18 with the Board; correct?

19 A Yes, sir.

20 Q All right. And you've heard all the
21 testimony here?

22 A Correct. Yes, sir.

23 Q All right. Tell me about the email chain
24 that you got between Mr. Blache's staff and you
25 regarding the names of these other eight guards

1 that they allege were out of certification.

2 A It was given to -- the first email was
3 given to one of the supervisors, and she actually
4 does -- she's actually in the field in Louisiana.
5 Our company is actually out of Mississippi. So she
6 reached out to me to get the information.

7 Over the last few months since May, I've
8 asked for guard lists, I've asked for training
9 information. And it's been really hard as far as
10 because we've had these big contracts. And I'm not
11 sure if any of your office staff may have, you
12 know, tried to call with ten plus people trying to
13 get training verification and their request via
14 email.

15 So when I did that, a lot of times it
16 wouldn't come back in a timely fashion. So that's
17 kind of where this email went. When I sent back to
18 Cassie, our supervisor, it had the email of the
19 information that I had readily available to give to
20 Mr. Fabian.

21 Q As far as your understanding, who has the
22 duty to send the updated firearms records to the
23 Board? Is that the -- is that the firearms
24 instructor's duty? Is that your duty? Or is it
25 both of your duties?

1 A It's the firearms instructor.

2 Q All right. Do they CC you on when the
3 firearms instructors send the certification to the
4 board, do you know that the Board has received that
5 information?

6 A No.

7 Q All right. And we're talking about Page
8 102, which is Revised Statute 37:3284. This is the
9 training of security officers. And you relied on
10 this statute to make sure that your security
11 officers were compliant; right?

12 MR. CROUCH:

13 Objection. He's leading.

14 MR. LONG:

15 Okay. Well, that question, I'll rephrase
16 it.

17 BY MR. LONG:

18 Q Do you know this statute?

19 A Not by heart.

20 Q Okay. Do you have a copy of it at your
21 office?

22 A Yes.

23 Q When you have a question about how the
24 requirements for training officers, is this the
25 document you look at?

1 A Yes, sir.

2 Q All right. Directing your attention to C
3 on Page 102, what is the sanction for failure to
4 complete the required training within the
5 prescribed time period for the officer?

6 A Failure to complete the required training
7 within the prescribed time period may preclude
8 future consideration for a license for a period of
9 one year.

10 Q Go to D2 and read that to the Board,
11 please.

12 A Upon a registrant's completion of any
13 training required, the license instructor shall
14 furnish to the Board a documented training
15 verification form of such completion signed by a
16 licensed instructor within 15 calendar days from
17 the training.

18 Q Do you find this statute to be
19 frustrating because you don't know when the
20 instructor sends it?

21 MR. CROUCH:

22 I object. I object to whether she finds
23 it frustrating or not. It's a state law.

24 If she has a question about the law, ask
25 her attorney. But I object to her having an

1 opinion or not about whether a state statute
2 is frustrating or not.

3 MR. LONG:

4 Your Honor, the statute, as it applies
5 right now --

6 MR. CROUCH:

7 Speaks for itself.

8 MR. LONG:

9 -- has a huge loophole on it. These
10 owners of businesses don't know when the
11 firearms instructors send the certification to
12 the Board. And it should be addressed and
13 it's relevant to their jobs as Board members.

14 MR. CROUCH:

15 Your Honor, the mechanism for correcting
16 problems with a statute is not before this
17 Board. It's before the legislature, that
18 pointy building downtown.

19 We can't resolve that today. The law
20 speaks for itself. The language speaks for
21 itself.

22 MR. LONG:

23 I think I've made my point, your Honor.

24 HEARING OFFICER MURRAY:

25 Okay. I'm going to sustain Mr. Crouch's

1 objection in terms of relevance, but I'm also
2 going to provide that for Ms. Mateer's
3 edification that it's probably beyond the
4 scope of her personal knowledge as to our
5 legislature's intent or lack thereof or who
6 goes forward to argue these statutes in front
7 of our legislature; just that she's aware that
8 they exist and they are in her office.

9 MR. LONG:

10 Right. Offering Page 102 as evidence,
11 Revised Statute 37:3284.

12 Mr. Crouch, any objection?

13 HEARING OFFICER MURRAY:

14 Mr. Crouch, do you object? Do you have
15 an objection as to the statute being offered
16 as an exhibit?

17 MR. CROUCH:

18 Certainly not.

19 HEARING OFFICER MURRAY:

20 All right.

21 MR. LONG:

22 Very good.

23 BY MR. LONG:

24 Q Now what happened once you got noticed
25 that these, Mr. Lands, Mr. Sears, and these

1 so-called eight other security guards were out of
2 refresher training or out of compliance? What
3 steps did you take to inform the Board that -- you
4 know, what was your status?

5 A I contacted our employees to see where
6 they went to training. A lot of them, my
7 supervisor in Louisiana already knew. So I was
8 able to contact those training facilities and get
9 copies of their training certificates.

10 Q And then what did you do with those
11 copies?

12 A I forwarded them to Mr. Blache.

13 Q What day did you forward those copies?

14 A On the 14th, the same day that we were
15 issued the cease and desist.

16 Q All right. Did you receive the cease and
17 desist before or after you sent the copies to him?

18 A Actually, I was not copied on the
19 original email, so I don't know the time frame.

20 Q But you know it was the same day?

21 A Yes, it was the same day.

22 MR. LONG:

23 All right. Answer any questions

24 Mr. Crouch may have.

25 CROSS EXAMINATION OF CARLI MATEER

1 BY MR. CROUCH:

2 Q Ma'am, I'm sorry. You have a very soft
3 voice and I did not hear your name. So could you
4 tell me what your name is?

5 A Carli Mateer.

6 Q Carli. May I call you Carli?

7 A Yeah.

8 Q Okay. You have a copy of the statute in
9 your office; correct?

10 A Uh-huh.

11 Q How about the rules?

12 A I'm sure we do.

13 Q You sure?

14 A Uh-huh.

15 Q Do you ever consult them?

16 A Usually, we go to the website.

17 Q Okay. But you do consult them?

18 A Yes.

19 Q Okay. Let me ask you something. This
20 guy, Mr. Lands --

21 A Uh-huh.

22 Q -- was he wearing your uniform on the
23 14th?

24 A I'm sure he was.

25 Q So he was working for you?

1 A Yes.

2 Q He wasn't working for Mr. Rivers. He was
3 working for you; correct?

4 A For North Atlantic.

5 Q Yeah. Okay. Those two highlighted
6 sections right there, could you read those for me
7 into the record?

8 MR. LONG:

9 What page is that, please?

10 MR. CROUCH:

11 It's in the rules?

12 A It's Title 46 RLIX.

13 MR. CROUCH:

14 It's the last section, I think.

15 MR. BLACHE:

16 Section 9.

17 MR. LONG:

18 Can you cite the statute for me, please?

19 MR. CROUCH:

20 Sure.

21 MR. LONG:

22 What is it?

23 MR. BLACHE:

24 I'll tell you in one second. It is --

25 MR. LONG:

1 I'd like to read it.

2 MR. BLACHE:

3 It is Chapter 9, Section 103C.

4 MR. LONG:

5 Chapter 9?

6 MR. BLACHE:

7 Yes.

8 MR. LONG:

9 Revised Statute 9?

10 MR. CROUCH:

11 No. No. No, it's the rules.

12 MR. LONG:

13 All right.

14 MR. CROUCH:

15 It's the Administrative Rules --

16 MR. LONG:

17 Okay.

18 MR. CROUCH:

19 -- Section 903 --

20 MR. BLACHE:

21 C.

22 MR. CROUCH:

23 Yes, it's a chart. There it is right in
24 front of you. That's it.

25 MR. LONG:

1 Okay. Go ahead. Thank you. Yes, sir.

2 BY MR. CROUCH:

3 Q Read the highlighted section for me into
4 the record.

5 A Licensee's failure to have registrant in
6 their employ trained within prescribed time period.
7 If registrant is not trained within 14 days after
8 the deadline date, administrative fines accumulate
9 at a daily rate not to exceed \$500.

10 Q Who is the licensee that that regulation
11 is talking about?

12 A The employer.

13 Q Correct. So you, as Mr. Lands's
14 employer, is responsible for seeing that his
15 certification is correct?

16 A Uh-huh.

17 Q Okay. And the certification was out on
18 the 14th; is that correct?

19 A Uh-huh.

20 Q All right. What are your job duties with
21 the company?

22 A We actually have four states that we do
23 business in. I do licenses in all four states,
24 220ish employees. So we keep up with that. I help
25 answer phone calls. I help with human resources.

1 I do a little bit of everything.

2 Q How long have you been with the company?

3 A Since November of 2017.

4 Q Are you the sole person responsible for
5 seeing that all of these employees are properly
6 licensed and that their prior certifications are
7 current?

8 A Depending on the state, I work with the
9 supervisors. But for the most part, keeping up
10 with information is my responsibility.

11 Q How about Louisiana?

12 A For Louisiana, I consult with the
13 supervisors, but the documentation is my
14 responsibility.

15 Q So the documentation and seeing that
16 these employees are properly certified in their
17 firearms certification is clearly the
18 responsibility of a licensee. And as the
19 representative of the licensee, it falls to you to
20 see to it; is that correct?

21 A Yes, sir.

22 MR. CROUCH:

23 I have no further questions.

24 BY MR. LONG:

25 Q Ms. Mateer, you were directed to a

1 statute in the Administrative Code and it says the
2 licensee's failure to have the registrant in their
3 employ trained within a prescribed time period, and
4 then it says not to exceed \$50 on the right. It
5 says if registrant is not trained within 14 days
6 after the deadline date, the administrative fine
7 accumulates at a daily rate not to exceed \$500.

8 How long did it take for you to get
9 Mr. Lands and Mr. Sears trained up?

10 A One day for Joshua Lands.

11 Q What about Sears?

12 A We pulled him off of post and he does not
13 work for our company anymore.

14 Q All right. And so within one day, you
15 had Lands good to go, he got his refresher
16 training?

17 A Yes.

18 Q And Sears quit or was fired after you
19 pulled him off?

20 A Yes. I'm not Human Resources, so I don't
21 know the logistics.

22 Q Okay. So according to the schedule of
23 the Board here, it's a \$50 fine if you do it within
24 14 days if you get them renewed within 15 days;
25 right?

1 A That's how I understand it.

2 MR. LONG:

3 No further questions.

4 MR. CROUCH:

5 I have no further questions.

6 MR. LONG:

7 You may sit down.

8 Your Honor, at this time, North Atlantic
9 rest. We would ask for argument only.

10 MR. CROUCH:

11 Give me a moment. We have no rebuttal.
12 We're ready for argument.

13 HEARING OFFICER MURRAY:

14 Okay. We will have closing arguments.

15 MR. CROUCH:

16 Members of the Board, Madam Chairman,
17 Referee, a pretty darn famous trial lawyer
18 about 38 years ago told me, as a young lawyer,
19 as a baby lawyer, he said if the facts are
20 against you, argue the law; if the law is
21 against you, argue the facts; and if they're
22 both against you, just make a lot of noise.
23 And I'm afraid that this has come down to the
24 licensee just trying to make a lot of noise.

25 The undisputed fact is that this

1 individual, Mr. Lands, on the 14th of August
2 was on a post pursuant to a contract given to
3 the company. And it's the company's
4 responsibility to see that his firearms
5 certification is current. It was not. Those
6 are undisputed facts. And that is the bedrock
7 of the revocation of this license.

8 Now, all of this stuff about whether it's
9 an authorized weapon or whether it's not an
10 authorized weapon, to accept the argument of
11 Mr. Long is to accept an absurd conclusion.
12 If I send a guard out there who is not
13 certified to carry a firearm, well, that's
14 just a \$50 fine. But if he goes out there
15 unauthorized, oh, my gosh, we can revoke the
16 license without an unauthorized firearm.
17 That's an absurd result. The law and the
18 rules have to be read in *pari materia*.

19 And there is no question in my mind that
20 if you go out there as an uncertified guard on
21 an armed post, whatever weapon you're carrying
22 is an unauthorized weapon because you're not
23 authorized to carry any weapon on that post.

24 Consequently, the action taken by
25 Mr. Fabian on your behalf was perfectly

1 appropriate. And I would point out that there
2 is an incredible difference between whether or
3 not a guy is carrying a 40 block or a 45
4 cowboy gun is less important than whether or
5 not the guy is certified to carry a gun at
6 all.

7 I can't imagine companies allowing people
8 as their employees to go out and carry weapons
9 on guard posts that are not pristine in their
10 qualifications and their licensure. The
11 exposure to liability is just enormous, and it
12 keeps -- it would keep me awake at night, but
13 it happens.

14 I want to reiterate, it is undisputed
15 that Mr. Lands was on duty on behalf of this
16 company and his firearms certification was
17 expired. I don't think you need to know any
18 more than that. Thank you.

19 MR. LONG:

20 Now you know why we need a hearing. You
21 can't just revoke somebody's license without
22 them having a chance to face their accusers
23 and get the evidence and explain to you that
24 this is not what Mr. Blache tried to
25 represent. This is not a company that is a

1 bad corporate citizen. This is a company that
2 had two guards uncertified. One of them was
3 three days late and it fell on a Friday. And
4 so Saturday, Sunday, Monday, the 14th, as soon
5 as my company found out about it, they got him
6 trained up the next day. They pulled the
7 other guard off and he no longer works for the
8 company.

9 That's what a good corporate citizen
10 does. That's what you guys would do. You
11 realize you can't be perfect. You've got a
12 lot of guards, a lot of moving pieces, and
13 sometimes they fall through. But when they
14 fall through, what does a responsible
15 corporate citizen do? They take
16 responsibility and they fix it.

17 And that's what we did. We took
18 responsibility. The ones that -- the guards
19 he said weren't certified, we gave them the
20 records. Even though we didn't have them, we
21 went out and got them, sent them to the Board
22 and said, you're not right. These eight
23 guards, they are certified. The two you're
24 talking about, we'll take the hit on that, but
25 we get them fixed or we'll take them off the

1 post. And that's what we did.

2 But what happened here? Did you guys get
3 a chance to hear the facts of the case before
4 the revocation occurred? No, you didn't. He
5 filed it the same day. He did the
6 investigation. He contacted us. He gave
7 erroneous information to our company and then
8 he proposed a \$9,500 fine based on all those
9 guards that he said weren't certified that
10 were certified.

11 The two that were not certified, we'll
12 take the hit on it. But now, he's trying to
13 torture the language of the state statutes and
14 say that an unauthorized any weapon is any
15 weapon that you don't have registration on.
16 No. Words mean what they mean. And right
17 here, it says, if you're not registered, it's
18 a \$50-dollar fine. That's not grounds for
19 revocation. All right.

20 North Atlantic is dead in Louisiana. All
21 right. We lost a \$2 million contract with the
22 state because they filed a notice of
23 revocation without talking to you first and
24 without getting your permission to revoke the
25 license. This was not an emergency situation.

1 He could have ordered us to pull the guard off
2 the site, noticed a hearing, let us come in
3 and explain our case just like we had today,
4 and then you guys can sit as a jury and you
5 can say, was it reasonable what they did, do
6 they deserve a penalty. Yeah, we deserve a
7 penalty, but we don't deserve revocation for
8 sure.

9 Imagine being in our shoes. One guard is
10 three days late and they take your company
11 away. That's the scariest thing I ever heard,
12 and that's the power of the state. You all
13 are on this Board because of your expertise as
14 security professionals. You know what's fair
15 and what's not fair.

16 To torture the language that the Director
17 has done here, to say that a man who is out of
18 refresher training is going to cost you your
19 company and all your contracts in the state of
20 Louisiana, the punishment does not fit the
21 crime. You've heard the facts. I don't need
22 to belabor them. You know how the Director
23 found out about this man. We're still at
24 fault. We take responsibility. He was three
25 days late on his certification.

1 But why? Why are we picking on Lands
2 here? Because we had a \$2 million contract
3 with the state covering 20 buildings. My
4 client is from Mississippi. He came in here
5 and took business away from other companies,
6 and they didn't like it. And now, he's out of
7 business in Louisiana. Is that fair on the
8 evidence that you heard?

9 Please. This was an illegal revocation.
10 The law says he has to have four votes before
11 he can revoke a license. I don't know what's
12 been going on before, but it's not the law.
13 Okay. Don't justify what you've done before
14 because no one ever called it to your
15 attention.

16 You all don't have a full-time lawyer to
17 educate you on the statute. You're relying on
18 the Director's expertise to do that for you.
19 His reading of the law is wrong.

20 The plain reading of the law says, you've
21 got to have a Board meeting before you can
22 revoke anybody. You can dispense with the
23 hearing requirement when it's an egregious
24 act. But his definition of an egregious act
25 is when you're three days late on your

1 refresher training, it's like carrying an
2 unauthorized weapon, even though our client
3 was certified with a 38 caliber. He missed
4 his refresher training.

5 It's undisputed that a 38 caliber is an
6 authorized weapon. His reading, that is,
7 Mr. Blache's reading is incorrect. An
8 unauthorized weapon is what? It's a machine
9 gun, it's a flame thrower, it's a hand
10 grenade, it's a knife. It's a weapon that the
11 Board does not authorize a guard to use. It's
12 not because he's three days late on the
13 refresher training.

14 We urge the Board to use your common
15 sense and your fairness to all parties that
16 come before the Board and rescind this
17 revocation, fine North Atlantic a reasonable
18 amount of money, what you think is reasonable
19 under the facts that you have heard today
20 after we had our opportunity to be heard. We
21 thank all of you for your time.

22 MR. CROUCH:

23 One very brief comment I would point out
24 to you is that Section 601 of the rules where
25 licenses can be revoked in advance of a

1 hearing is coupled with insurance. If your
2 insurance lapses and if there's unauthorized
3 use of a weapon or carrying of a weapon, those
4 are equally egregious acts. I wonder why. I
5 wonder why.

6 I wonder if the insurance company knew
7 that you sent a guard out there armed and his
8 certification had lapsed and there is a
9 problem, do you think the insurance company is
10 going to go --

11 MR. LONG:

12 Excuse me, your Honor. I apologize, your
13 Honor, but this was beyond the scope of my
14 argument. It was beyond the scope of the
15 evidence.

16 He's bringing up things outside the
17 evidence and outside of an argument. And
18 fairness requires me to respond to this if
19 you're going to let him talk about it.

20 HEARING OFFICER MURRAY:

21 Okay. Mr. Crouch, I'm going to cut the
22 closing arguments off.

23 MR. CROUCH:

24 As of right now?

25 HEARING OFFICER MURRAY:

1 Yes.

2 MR. CROUCH:

3 10/4.

4 HEARING OFFICER MURRAY:

5 And in -- with the indulgence of Madam
6 Chairperson, I'm going to ask you, Mr. Long,
7 before you leave the room today to go through
8 with the court reporter your exhibits and I'm
9 going to give you the same request that I gave
10 Mr. Crouch, go through and redact these social
11 security numbers off of these forms. And on
12 your email, if you would take off Ms. Mateer's
13 identifying information, her phone number, and
14 her email and things to preserve your -- to
15 preserve her privacy and whoever your record
16 goes to.

17 MR. LONG:

18 Well, I'll get her consent to waive it.
19 I'll do that for you.

20 HEARING OFFICER MURRAY:

21 Well, I'll give you ten days to do that.
22 Just make sure the ones you want to introduce,
23 the court reporter has identified --

24 MR. LONG:

25 Yes, ma'am.

1 HEARING OFFICER MURRAY:

2 -- and you redact the socials?

3 MR. LONG:

4 We'll do it.

5 HEARING OFFICER MURRAY:

6 Okay.

7 MR. CROUCH:

8 Yeah, let's just exchange documents
9 before the end of today.

10 MR. LONG:

11 Yes, sir. I'll get with you.

12 MR. CROUCH:

13 Okay. I believe that concludes the
14 hearing.

15 CHAIRWOMAN PIERRE:

16 Okay.

17 HEARING OFFICER MURRAY:

18 Yes?

19 CHAIRWOMAN PIERRE:

20 Board Members, I don't know if you have
21 any questions about what you've heard today or
22 if you're ready to proceed in voting on this
23 revocation? All in favor of voting on the
24 revocation today, please let us know by raise
25 of hands or roll call and let us know or would

1 you like to continue this to get more
2 information or to think in terms of what
3 you've heard today? You've heard an awful lot
4 of information today.

5 So my question to this Board is, shall we
6 proceed in voting today? I need a motion to
7 -- I'll make a motion whether we proceed to
8 vote today. No -- anybody willing to proceed
9 to vote today? I would take that as --

10 MR. PELLEGRIN:

11 I personally would like an opportunity to
12 discuss it amongst the Board.

13 CHAIRWOMAN PIERRE:

14 Okay. Well, then we'll --

15 MR. PELLEGRIN:

16 Just the Board members.

17 MR. LONG:

18 Your Honor, I would ask, if I may, a lot
19 of information was here, I would ask that we
20 come back at a reasonable time to get the
21 Board's ruling, give you an opportunity to
22 meet in executive session to discuss the
23 evidence, to discuss the case, what a fair
24 penalty would be, if any. I don't think it's
25 fair for y'all just to have to do it off the

1 top of your head right now. There's a lot of
2 evidence here. They would never make a jury
3 rule right off the top of their heads. They
4 allow the jury to get together and confer.

5 CHAIRWOMAN PIERRE:

6 Thank you, Mr. Long.

7 MR. LONG:

8 That's what we would like as well.

9 CHAIRWOMAN PIERRE:

10 Thank you, Mr. Long.

11 MS. LANDRY:

12 Thank you.

13 CHAIRWOMAN PIERRE:

14 Well, I think we're all in agreement.
15 May I have a continuance? We make a motion
16 that we continue this hearing, that we take
17 the information that you've provided to us
18 under advisement and we will get back to you.

19 MR. LONG:

20 Thank you, Judge.

21 CHAIRWOMAN PIERRE:

22 Do I get a --

23 MR. WILLIAMS:

24 I'll second.

25 CHAIRWOMAN PIERRE:

1 There you go. It's been first and it's
2 been seconded. We're going to continue this
3 matter. We will get back with you with the
4 date and time that we will review this and let
5 you know the date and time that you need to
6 respond to us.

7 MR. LONG:

8 Thank you, Madam Chairwoman.

9 CHAIRWOMAN PIERRE:

10 Okay.

11 MR. LONG:

12 Are we excused, your Honor?

13 CHAIRWOMAN PIERRE:

14 Yes, sir, you are.

15 MR. LONG:

16 Thank you.

17 CHAIRWOMAN PIERRE:

18 Meeting is adjourned. And I -- wait. I
19 make a motion that we go into executive
20 session.

21 MR. WILLIAMS:

22 Second.

23 CHAIRWOMAN PIERRE:

24 Second. It's been moved and seconded and
25 we'll go into executive session.

1 (WHEREUPON, THE MEETING ADJOURNED AND
2 EXECUTIVE SESSION BEGAN)
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(WHEREUPON, THE MEETING CAME OUT OF
EXECUTIVE SESSION)

1 R E P O R T E R ' S C E R T I F I C A T E

2 I, KELLY S. PERRIN, a Certified Court
3 Reporter, Certificate #23035, in good standing with
4 the State of Louisiana, as the officer before whom
5 this meeting was taken, do hereby certify that the
6 foregoing 184 pages;

7 That this testimony was reported by me in
8 stenographic machine shorthand by Computer-Aided
9 Transcription, transcribed by me or under my
10 personal direction and supervision, and is a true
11 and correct transcript to the best of my ability
12 and understanding;

13 That the transcript has been prepared in
14 compliance with transcript format guidelines
15 required by statute or by rules of the board, that
16 I have acted in compliance with the prohibition on
17 contractual relationships, as defined by Louisiana
18 Code of Civil Procedure Article 1434 and in rules
19 and advisory opinions of the board; that I am not
20 of counsel nor related to any person participating
21 in this cause and am in no way interested in the
22 outcome of this event.

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1 This certification is valid only for a
2 transcript accompanied by my handwritten or digital
3 signature and the image of my State-authorized seal
4 on this page.

5 Signed:

6

7 KELLY S. PERRIN,CCR

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